

FEDERAL REGISTER

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Regulations

TITLE 10—ARMY: WAR DEPARTMENT Chapter I—Aid of Civil Authorities and Public Relations

PART 15—REGULATIONS FOR CORRESPONDENTS, TECHNICAL OBSERVERS AND SERVICE SPECIALISTS ACCOMPANYING U. S. ARMY FORCES IN THE FIELD¹

TECHNICAL OBSERVERS AND SERVICE SPECIALISTS

Sections 15.31 to 15.44, inclusive, are hereby added as follows:

- Sec.
- 15.31 General.
 - 15.32 Definition.
 - 15.33 Status of technical observers.
 - 15.34 Privileges.
 - 15.35 Application.
 - 15.36 Number of observers.
 - 15.37 Agreement.
 - 15.38 Credentials.
 - 15.39 Uniform.
 - 15.40 Transportation.
 - 15.41 Reporting upon arrival.
 - 15.42 Reports.
 - 15.43 Relief from appointment.
 - 15.44 Discipline.

AUTHORITY: §§ 15.31 to 15.44, inclusive, issued under R.S. 161; sec. 1, 41 Stat. 787; 5 U.S.C. 22; 10 U.S.C. 1473.

§ 15.31 *General.* From time to time technical personnel employed by firms engaged in manufacturing munitions of war may be assigned to field forces of the Army during maneuvers or in actual combat for the purpose of observing the operation of mechanical equipment and armament under field conditions. The function of this technical personnel will be to determine the effect of field operations and conditions on equipment manufactured by their firms with a view to overcoming difficulties encountered both in the field and at the factories. [Par. 11]

§ 15.32 *Definition.* The term "technical observer" as used in this manual includes any person officially accredited

as such by the War Department to a theater of operations or a base command within or without the territorial limits of the United States in time of war, for the purpose of observing and reporting upon the operation of mechanical equipment and armament under field conditions and/or assisting in the maintenance and repair of such equipment. [Par. 2]

§ 15.33 *Status of technical observers.* (a) Technical observers in time of war accompanying the armies of the United States, both within and without the territorial jurisdiction of the United States, although not in the military service, are subject to military law and are under the control of the commander of the Army force which they accompany.

(b) They are not entitled to the benefits provided by laws enacted exclusively for persons in the military service but they are subject to the provisions of the Selective Training and Service Act of 1940, as amended, and regulations prescribed thereunder.

(c) In the event of capture by enemy forces, they are entitled to be treated as prisoners of war provided they are in possession of a certificate from the military authorities of the armed forces which they are accompanying. They will be cautioned that by the international rules of warfare they are required to give only their name and Army status, and that they will under no circumstances furnish the enemy with information of military value. (Geneva Conference, July 27, 1929, Title VII, Art. 81.)

(d) Technical observers will not exercise command, be placed in the position of authority over military personnel, nor will they be armed. They are under the same restrictions as military personnel as regards the settlement of accounts, compliance with standing orders, and the conducting of themselves with dignity and decorum.

(e) A technical observer becomes subject to military law from the time at which he commences to accompany troops or personnel who are on active service. This will generally be upon his arrival at the field force to which he is accredited but may commence earlier if

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¹ The regulations in §§ 15.31 to 15.44, inclusive, are also contained in Basic Field Manual No. 30-27, W.D., dated September 3, 1942, the particular paragraphs being shown in brackets at end of sections.



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he travels to the field force via Government transportation. [Par. 3]

§ 15.34 *Privileges.* (a) Technical observers will be given the same privileges as commissioned officers in the matter of accommodations, transportation, and messing facilities. All courtesies extended them in such matter must be without expense to the Government.

(b) Every reasonable facility and all possible assistance will be given technical observers to permit them to perform their duties efficiently and intelligently, within the limits dictated by military necessities.

(c) So far as the exigencies of the service permit, technical observers will receive without charge the same medical treatment as that afforded officers.

(d) Technical observers are free to converse with troops and examine equipment in connection with their duties subject to the approval of the officer present with the troops in question. They will be required, however, to refrain from conversing with troops on guard, or from discussing subjects or soliciting answers to matters which are clearly secret and not connected with their particular duties.

(e) Under no circumstances will a technical observer assist a war correspondent. [Par. 4]

§ 15.35 *Application.* (a) Application to accompany U. S. Army forces in the field will be submitted by the firm em-

playing the technical observer to the Commanding General, Services of Supply, Washington, D. C.

(b) The application will state the name and address of the individual; citizenship and place and date of birth; general health condition; the particular force it is desired he accompany; and any other pertinent information which will assist in the consideration of his application. [Par. 5]

§ 15.36 *Number of observers.* The Commanding General, Services of Supply, will control and coordinate with field force commanders the number of technical observers which are to be accredited to a field force. This number will be held to an absolute minimum. [Par. 6]

§ 15.37 *Agreement.* Before final acceptance, a technical observer will be required to sign an agreement in triplicate as follows:

WAR DEPARTMENT HEADQUARTERS, SERVICES OF SUPPLY WASHINGTON

(Date) Agreement

In connection with authority granted by the War Department to me, the undersigned, to accompany the United States Army forces in the field as a technical observer, I subscribe to the following conditions:

1. That, as a civilian accredited to the Army of the United States within or without the territorial limits of the United States, I am subject to the Articles of War and all regulations for the government of the Army issued pursuant to law.

2. That I will govern my movements and actions in accordance with the instructions of the War Department and the commanding officer of the field force to which I am accredited. I understand that official reports are to be transmitted through such commanding officer, and that my personal and official correspondence is subject to the general censorship rules prevailing within the command.

3. That I waive all claims against the United States for losses, damages, or injuries which may be suffered as a result of this authority.

4. That this authority is subject to revocation at any time.

5. That, upon termination or revocation of this authority, I will surrender my credentials to the Commanding General, Services of Supply, or to his authorized representative, and will cease wearing the prescribed uniform.

Signed-----
Representing-----
(Firm)

(Address)

Witnessing officer-----

This form will be executed in triplicate.

§ 15.38 *Credentials.* (a) When an application for appointment as a technical observer is approved, the applicant will be furnished credentials and a technical observers' identification card by the Commanding General, Services of Supply. The card identifies him as an accredited technical observer.

(b) Technical observers will produce their identification cards whenever called for by any officer, warrant officer, or enlisted man in the execution of his

duty. Failure to do so will subject the technical observer to arrest or detention.

(c) In addition to the War Department credentials, the particular field force commander may issue a pass or credentials with regulations covering their use. [Par. 8]

§ 15.39 *Uniform.* (a) The proper uniform for accredited technical observers is that of an officer, but less all insignia of grade or arm or service and without officers' piping, hat cords, or insignia on headgear.

(b) The uniform includes the wearing of the official brassard on the left arm which will be furnished by the War Department. The brassard is an orange cloth band, 4 inches wide, with black letters "TO," 1 1/4 inches in height.

(c) Articles of special clothing and equipment which are issued to officers and enlisted men in cold climates may be issued to technical observers. These articles must be turned in prior to departure from the theater of operations or base command.

(d) Accredited technical observers will not wear civilian clothing while serving with the field force. [Par. 9]

§ 15.40 *Transportation.* Government transportation for themselves and their baggage may be furnished accredited technical observers whenever such transportation is essential to the accomplishment of their mission and the military situation permits. Weight of baggage will be within the limits prescribed by the commander concerned. [Par. 10]

§ 15.41 *Reporting upon arrival.* Upon arrival in the theater of operations or base command to which accredited, technical observers will report to the commanding officer or his representative, presenting their credentials. All technical observers are officially attached to the headquarters of the field force commander who may arrange for their assignment to posts of duty within the command from which the observer may best accomplish his mission. [Par. 11]

§ 15.42 *Reports.* Reports of a technical observer to the firm which he represents will be transmitted through the commander of the field force to which he is accredited. The provisions of AR 380-5² will be complied with. The field force commander will forward a copy of all reports made by technical observers to the Commanding General, Services of Supply. Both their official and personal correspondence will be subject to the general censorship rules prevailing within the command. The use of "blue envelopes" for the censoring of personal mail by the base censor is authorized, but these may not be used to mail reports for publication to avoid censorship by the immediate headquarters under which the technical observer serves. [Par. 12]

§ 15.43 *Relief from appointment.* (a) An accredited technical observer will not leave the theater of operations or base command without the written permission of the commander.

(b) If serving with troops beyond the territorial limits of the United States,

relief does not become effective until arrival in the United States, if the journey is made by Government transportation.

(c) Upon termination of appointment as a technical observer, the individual will surrender all credentials to the Commanding General, Services of Supply, or his authorized representative, and will cease wearing the official uniform of a technical observer. [Par. 13]

§ 15.44 *Discipline.* A technical observer is expected to conform to all rules and regulations promulgated in the interest of good order and military discipline. In the presence of the enemy, he will conform with the actions of the troops and will not jeopardize the safety of the command or compromise the scheme of maneuver in progress. When necessary, the technical observer may be placed in arrest to await deportation or trial by court martial. [Par. 14]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9385; Filed, October 6, 1942; 3:33 p. m.]

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

DAMAGES TO PERSONS AND PRIVATE PROPERTY RESULTING FROM OPERATION OF AIRCRAFT

Sections 36.12 and 36.13 are hereby amended to read as follows:

§ 36.12 *Claims not exceeding \$500 in amount.* Claims not exceeding \$500 each for damage to private property, including claims of military and civilian personnel in and under the War Department, and for injury to persons other than military personnel resulting from the operation of aircraft at home and abroad may be settled when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Commanding General, Army Air Forces, and the Secretary of War. See annual appropriation acts. (42 Stat. 737, 50 Stat. 456; 31 U.S.C. 224) [Par. 1, AR 35-7060, Sept. 1, 1942]

§ 36.13 *Procedure—(a) General.* When a claim for damages arises, the claimant should submit his claim to the commanding officer of the nearest aviation station, as provided in § 36.6. Upon the receipt of such a claim the commanding officer will refer it in the usual manner to a board of officers, who will take the action prescribed in § 36.7.

(b) *Claims for personal injuries.* The foregoing procedure will also be followed, as far as practicable, in all claims for personal injuries resulting from the operation of aircraft. (42 Stat. 737, 50 Stat. 456; 31 U.S.C. 224) [Par. 2, AR 35-7060, Sept. 1, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9386; Filed, October 6, 1942; 3:34 p. m.]

Chapter V—Military Reservations and National Cemeteries

PART 54—EXCHANGES

PART 55—MOTION PICTURE SERVICE

SUSPENSION OF CREDIT SALES

§ 54.12 *Credit sales; suspension.* Effective November 1, 1942, at all posts, camps, and stations within the continental United States, except Alaska, all purchases from commissaries and from all company-owned or company-operated activities, for example, barber shops, tailor shops, etc., will be for cash. All purchases from exchanges and theaters will be for cash or for coupons bought and paid for in advance. Quartermaster laundry service, telephone service, and utility service will continue to be handled on a charge sales basis. The issue of rations and sales to organizations which are authorized to buy from commissaries and exchanges under existing regulations are excluded from the above.

So much of § 54.12 as is in conflict with the above is suspended. (R.S. 161; 5 U.S.C. 22) [Cir. 328, W.D., Sept. 28, 1942]

§ 55.8 *Coupon books; suspension of credit sales.* Effective November 1, 1942, at all posts, camps, and stations within the continental United States, except Alaska, all purchases from commissaries and from all company-owned or company-operated activities, for example, barber shops, tailor shops, etc., will be for cash. All purchases from exchanges and theaters will be for cash or for coupons bought and paid for in advance. Quartermaster laundry service, telephone service, and utility service will continue to be handled on a charge sales basis. The issue of rations and sales to organizations which are authorized to buy from commissaries and exchanges under existing regulations are excluded from the above.

So much of § 55.8 as is in conflict with the above is suspended. (R.S. 161; 5 U.S.C. 22) [Cir. 328, W.D., Sept. 28, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9387; Filed, October 6, 1942; 3:34 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 10]

PART 600—DESIGNATION OF CIVIL AIRWAYS

GREEN CIVIL AIRWAY NO. 6, AMBER CIVIL AIRWAY NO. 4, RED CIVIL AIRWAY NO. 32, RED CIVIL AIRWAY NO. 36.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600¹ of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 600.10005 *Green civil airway No. 6 (Corpus Christi, Tex., to*

¹ 7 F.R. 1417, 1748, 2381, 2864, 4131, 4376, 4939, 5367, 5540, 6457, 7654.

² Administrative regulations of the War Department relative to safeguarding military information.

Norfolk, Va.) the words "Corpus Christi, Tex." appearing in the title and substituting in lieu thereof the following: "Alice, Tex." and by striking in the body of this section the words "From the Municipal Airport, Corpus Christi, Tex., via the Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station;" and substituting in lieu thereof the following: "From the Alice, Tex., radio range station, to the Houston radio range station;"

By striking in § 600.10103 *Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.)* the words "the intersection of the center lines of the on course signal of the north leg of the Brownsville, Tex., radio range, and the southwest leg of the Corpus Christi, Tex., radio range; Corpus Christi, Tex., radio range station; San Antonio, Tex., radio range station;" and by substituting in lieu thereof the following: "the intersection of the center lines of the on course signal of the northwest leg of the Brownsville, Tex., radio range, and the south leg of the Alice, Tex., radio range; the Alice, Tex., radio range station; the intersection of the center lines of the on course signals of the north leg of the Alice, Tex., radio range and the south leg of the Alamo radio range, San Antonio, Tex.; the Alamo radio range station, San Antonio, Tex.; the intersection of the center lines of the on course signals of the north leg of the Alamo radio range, San Antonio, Tex., and the southwest leg of the Austin, Tex., radio range."

By striking in § 600.10231 *Red civil airway No. 32 (San Antonio, Tex., to Houston, Tex.)* the words "southeast leg of the San Antonio, Tex., radio range" and substituting in lieu thereof the following: "southeast leg of the Alamo, Tex., radio range;"

By adding a new section to read as follows:

§ 600.10237 *Red civil airway No. 38. (Alice, Tex., to Houston, Tex.)*. From the intersection of the center lines of the on course signals of the northeast leg of the Alice, Tex., radio range and the west leg of the Corpus Christi, Tex., radio range via the Corpus Christi, Tex., radio range station to the intersection of the center lines of the on course signals of the northwest leg of the Corpus Christi, Tex., radio range and the northeast leg of the Alice, Tex., radio range.

This amendment will become effective 0001 EST, October 15, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-9996; Filed, October 7, 1942;
9:40 a. m.]

[Amendment 16]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

GREEN CIVIL AIRWAY NO. 6, AMBER CIVIL AIRWAY NO. 4, AND RED CIVIL AIRWAY NO. 38; AIRWAY TRAFFIC CONTROL AREAS: GREEN CIVIL AIRWAY NO. 6, RED CIVIL AIRWAY NO. 38.

Acting pursuant to the authority vested in me by section 308 of the Civil

Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601¹ of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 601.1006 *Green civil airway No. 6, airway traffic control areas (Corpus Christi, Tex., to Norfolk, Va.)* the words "Corpus Christi, Tex." appearing in the title and substituting in lieu thereof the following: "Alice, Tex." and by striking the words "Corpus Christi, Tex." in the body of the above section and substituting in lieu thereof the following: "Alice, Tex."

By adding a new section to read as follows:

§ 601.10238 *Red civil airway No. 38 airway traffic control areas (Alice, Tex., to Houston, Tex.)*. All of red civil airway No. 38.

By striking in § 601.4006 *Green civil airway No. 6 (Corpus Christi, Tex., to Norfolk, Va.)* the words "Corpus Christi, Tex." appearing in the title and substituting in lieu thereof the following: "Alice, Tex." and by striking "Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station" and substituting in lieu thereof the following: "Alice, Tex., radio range station;"

By striking in § 601.4014 *Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.)* the following: "the intersection of the center lines of the on course signals of the north leg of the Brownsville, Tex., radio range and the southwest leg of the Corpus Christi, Tex., radio range; the Losoya, Tex., fan type radio marker station or the intersection of the center lines of the on course signals of the west leg of the Yoakum, Tex., radio range and the southeast leg of the San Antonio, Tex., radio range; the San Antonio, Tex., radio range station;" and substituting in lieu thereof the following: "the intersection of the center lines of the on course signals of the northwest leg of the Brownsville, Tex., radio range, and the south leg of the Alice, Tex., radio range; Alice, Tex., radio range station; the Pleasanton fan type radio marker station or the intersection of the center lines of the on course signals of the north leg of the Alice, Tex., radio range, and the south leg of the Alamo radio range, San Antonio, Tex.; the Alamo radio range station, San Antonio, Tex.; Guadalupe, fan type radio marker station or the intersection of the on course signals of the north leg of the Alamo radio range, San Antonio, Tex., and the southwest leg of the Austin, Tex., radio range;"

5. By adding a new section to read as follows:

§ 601.40238 *Red civil airway No. 38 (Alice, Tex., to Houston, Tex.)*. The Corpus Christi, Tex., radio range station.

This amendment will become effective 0001 EST, October 15, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-9998; Filed, October 7, 1942;
9:40 a. m.]

¹ 6 FR. 6453, 6822; 7 FR. 529, 597, 841, 1016, 1424, 1748, 2865, 3466, 4196, 5540, 6457, 6458, 6927, 7655.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1362]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

DISTRICT NO. 10—DELTA COAL MINING CO.

Order approving and adopting the proposed findings of fact and proposed conclusions of law of the examiner and granting permanent relief in the matter of the petition of Delta Coal Mining Company, a code member in District No. 10, for minimum f. o. b. mine prices for f. a. s. delivery from mines in District No. 10 to Minneapolis Street Railway Company, at Minneapolis, Minnesota, pursuant to section 3A, special river price instructions and exceptions, schedule of effective minimum prices for District No. 10 for all shipments except truck.

A petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by Delta Coal Mining Company, a code member, operating the Delta Mine (Mine Index No. 36), in District 10, seeking on behalf of Minneapolis Street Railway Company of Minneapolis, Minnesota, an order permitting it to purchase coals shipped via river by petitioner and other producers in District No. 10 at f. o. b. mine prices for free alongside delivery;

A hearing having been held in this matter on July 13-16, 1942, inclusive, before Charles O. Fowler, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard:

The Examiner, Charles O. Fowler, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated September 4, 1942, recommending that the relief prayed for by the petitioner be granted;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be and they hereby are approved and adopted as the findings of fact and conclusions of law of the undersigned;

It is further ordered, That the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck be, and same hereby is amended by adding to § 330.10 (b) (1) (iii) (b) (Special prices—River (free alongside deliveries) and ex-river shipments—Instructions and exceptions—Special Cases) the following:

Minneapolis Street Railway Company (for consumption in its plant at Minneapolis, Minnesota).

Dated: October 6, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10004; Filed, October 7, 1942;
11:04 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 129]

DOCKET BOOK OF BOARD OF APPEAL

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 385) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 102 "Docket Book of Board of Appeal," effective immediately upon the filing hereof with the Division of the FEDERAL REGISTER.¹ The supply of original DSS Form 102 on hand will be used until exhausted.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the FEDERAL REGISTER, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

MAY 15, 1942.

[F. R. Doc. 42-9968; Filed, October 6, 1942;
3:07 p. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment XL]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations*² is amended in the following particulars:

In the column headed "Gen. Lic. Group", the group designations assigned to the commodities listed below (at every place where said commodities appear in said section) are amended to read as follows:

Commodity	Dept. of Comm. No.	Gen. Lic. Group
Manila yarn	3492.08	1
Sisal or henequen cord, cordage & twine	3419.09	1
Sisal or henequen fiber, unmanufactured	3401F	1
Sisal or henequen yarn	3492.09	1

¹ Filed as part of the original document.

² 4952, 5080, 5115, 5343, 5591, 5638, 5745, 5746, 6067, 6203, 6418, 6671, 6672, 6825, 7223.

This amendment shall become effective October 10, 1942.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

Dated: September 28, 1942.

A. N. ZIEGLER,
Colonel, J. A. G. D.,
Acting Chief, Export Control Branch.

[F. R. Doc. 42-9967; Filed, October 6, 1942;
1:07 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 3053—CONVEYING MACHINERY AND MECHANICAL POWER TRANSMISSION EQUIPMENT

[General Limitation Order L-193]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials, and in the engineering and other facilities, used in the manufacture of conveying machinery and mechanical power transmission equipment, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3053.1 *General Limitation Order L-193*—(a) *Definitions*. For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Conveying machinery" means any machinery (and any important component part thereof) used for the mechanical handling of materials; except (i) farm elevators included within the provisions of Order L-26, as amended;¹ (ii) machinery or parts used on board ship in the operation of any vessel, or used in the operation of aircraft, tanks, ordnance, or similar combat equipment, (iii) power and hand lift trucks, (iv) cranes, hoists and platform elevators, (v) construction mixers, pavers, graders, drag lines and power shovels, and similar construction machinery, (vi) cars and car dumpers, (vii) steel mill tables, (viii) sintering conveyors, (ix) metal pig conveyors, and (x) underground mining machinery (other than slope conveyors).

(3) "Mechanical power transmission equipment" means equipment (and any important component part thereof) of the following kinds (except equipment or parts used in the operation of any vessel, or in the operation of aircraft, tanks, ordnance or similar combat equipment):

(i) Open and enclosed gearing for transmitting more than ¼ horse power; except marine propulsion gears, gears used as an integral part of a machine, gears built into turbines, and gears used on household, manually powered, automotive, or farm machinery;

(ii) Mechanical drives and parts thereof for transmitting more than ¼ horse power; except belting, drives used as an integral part of a machine, drives used on household, manually powered, automotive, or farm machinery.

(4) "Order" includes any arrangement for the delivery of conveying machinery or mechanical power transmission equipment, whether by purchase and sale, lease, rental or otherwise.

(5) "Engineering services" means services of an engineering nature rendered for a customer or prospective customer in connection with an order or prospective order for the planning, designing, manufacture, delivery, installation, extension, or rearrangement of conveying machinery, or in connection with any bid or estimate or prospective bid or estimate for such an order; but does not include preliminary conferences, discussions, or advice, or the making of line drawings for preliminary purposes, prior to the formulation of a bid or estimate.

(6) "Bid or estimate" means a definitive bid or estimate for the planning, designing, manufacture, delivery, installation, extension, or rearrangement of conveying machinery, but does not include preliminary estimates not intended to form a basis for a firm order.

(7) "Manufacture" means fabrication or shop assembly of conveying machinery or mechanical power transmission equipment, or any component part thereof; but does not include the making of engineering drawings, blue prints, designs, estimates, or surveys.

(8) "Restricted order" means any order for conveying machinery or mechanical power transmission equipment or parts thereof, in the amount of \$5,000 or more (not including amounts applicable to foundations or erection labor); and any order which is part of a planned group of orders aggregating \$5,000 or more in amount (not including amounts applicable to foundations or erection labor) for items, units or parts of conveying machinery or mechanical power transmission equipment having related operational functions.

(b) *Restrictions on acceptance and placing of orders*—(1) *Restrictions on placing orders*. On and after the date of this order, no person shall place or tender, and no person shall accept, any restricted order, unless the order is accompanied by the authorization of the Director General for Operations, provided for in paragraph (d) below.

(2) On and after the date of this order, no person shall render engineering services, or make any bid or estimate, for any restricted order, and no person shall order or request any such engineering services or invite any such bid or estimate; except with respect to an order theretofore authorized by the Director General for Operations, in accordance with the provisions of paragraph (d) below.

(c) *Restrictions on manufacture and delivery*. (1) Except as otherwise provided in paragraph (c) (3) hereof, on and after the date of this order no person shall commence or continue the manufacture of any conveying machinery or

¹ 7 F.R. 5396, 6148.

mechanical power transmission equipment or parts therefor, in fulfillment of any restricted order, and no person shall deliver or accept delivery of any such machinery or equipment or parts therefor, in fulfillment of any restricted order; unless the order shall have been authorized by the Director General for Operations, in accordance with the provisions of paragraph (d) below. No person shall maintain an inventory of parts for conveying machinery or mechanical power transmission equipment in excess of a minimum practicable working inventory.

(2) Except as otherwise provided in paragraph (c) (3) hereof, on and after the date of this order no person shall manufacture or deliver, and no person shall knowingly accept the delivery of, any conveying machinery or mechanical power transmission equipment, or parts therefor, unless such machinery or equipment or parts are manufactured in accordance with the restrictions on the use of materials prescribed in Schedule A hereto: *Provided, however*, That parts fabricated or processed, prior to the date of this order, to the point where other use is impracticable, may be used in fulfillment of any order at any time.

(3) The limitations and restrictions of paragraph (c) shall not apply:

(i) To the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on the date of this order in fulfillment of any order accepted by the manufacturer prior to August 1, 1942.

(ii) For ninety days following the date of this order, to the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on the date of this order in fulfillment of any order accepted by the manufacturer on or after August 1, 1942 but prior to the date of this order.

(iii) For ninety days following the date of this order, to the manufacture or delivery in fulfillment of any order for the use of the Army, Navy, Maritime Commission or War Shipping Administration, to the extent that any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration, require construction, design, or materials not in accordance with the provisions of this order. As used herein, the terms "Army", "Navy", "Maritime Commission" or "War Shipping Administration" shall not include any privately operated plant or shipyard financed by or controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis. For the purposes of this paragraph (c) an order for machinery or equipment shall be deemed to have been in the process of manufacture on the date of this order only if fabrication or assembly of a component part, in fulfillment of such order and not for inventory or stock, was begun prior to the date of issuance of this order.

(d) *Procedure for obtaining authorization of Director General for Operations.*

(1) The authorization of the Director General for Operations for orders ac-

cepted hereafter, required by the provisions of paragraph (b), may be applied for by the purchaser by filing an application on Form PD-681 with the Director General for Operations.

(2) The authorization for orders heretofore accepted by the manufacturer, required by the provisions of paragraph (c) (1), may be applied for by the manufacturer. Such application shall be made by letter in duplicate filed with the Director General for Operations and shall contain a list of restricted orders of such manufacturer then on hand, together with the name of the purchaser, the date of each order and value thereof, a description of the equipment or machinery, the specified delivery date, the percentage of completion of the order on the effective date of this order, the Production Code symbols, the preference rating and preference rating certificate or general preference rating order number applicable to each order.

(e) *Production schedules.* On or before October 15, 1942, and on or before the 15th day of each succeeding calendar month, every manufacturer shall file, in triplicate, a report on Form PD-682 showing such production and delivery schedules for restricted orders and such other information as shall be required by said form. The Director General for Operations may at any time change such schedule of deliveries or production or direct the adoption of any other schedule; allocate any order listed on the schedule to any other manufacturer; or direct the delivery of any conveying machinery or mechanical power transmission equipment listed on the schedule to any other person, at the price and terms previously established with such variation as may be justified under the circumstances.

(f) *Miscellaneous provisions—(1) Manufacturers' responsibility with respect to orders less than \$5000.* Notwithstanding any other provision of this order, an order in an amount less than \$5000 which is a restricted order (as defined in paragraph (a) (8)) because it is part of a planned group of orders aggregating \$5000 or more, shall be deemed to be unrestricted with respect to the manufacturer (but not the purchaser), unless the manufacturer has reason to believe that such order is a restricted order.

(2) *Records and reports.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales. All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as the Director General for Operations shall from time to time request.

(3) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L or M order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the

date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L or M order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(4) *Violations.* Any person who willfully violates any provision of this order, or who willfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(5) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director General for Operations setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(6) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Branch, Washington, D. C. Ref: L-193.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

Schedule A—Restrictions and Limitations on the Use of Materials in Conveying Machinery or Mechanical Power Transmission Equipment

(a) As used in this schedule, (1) "alloy steel" and "alloy iron" mean alloy steel and alloy iron as defined in Order M-21-a, as amended and supplemented from time to time; and (2) "line shafting" means any shaft driving two or more machines or any single length or rigidly coupled lengths of shafting supported by three or more bearings.

(b) *Conveying machinery.* The materials listed below are restricted or prohibited in the construction of conveying machinery, as prescribed below; except as the Director General for Operations may waive compliance with any such restriction or prohibition, upon application by the manufacturer by letter setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Bins, bunkers, hoppers and tanks (when used as part of conveying machinery or equipment).* No steel shall be used in bins, hoppers, tanks, or bunkers having a capacity of more than 400 cubic feet, level filled, except in clips, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars or mesh, washers, and hopper bottoms of less than 400 cubic feet capacity. No steel plate of a thickness in excess of ¼ inch shall be used in bins, tanks, or hoppers with a capacity of less than 400 cubic feet, level filled. No liner plates of steel

or rubber shall be used in steel bins, steel tanks, or steel hoppers. Steel liners for wood bins or wood bunkers shall not exceed No. 10 U. S. gage in thickness.

(2) *Conveyors and elevators.* No alloy steel or alloy iron shall be used for parts of chains (other than chains for the transmission of power); except for pins and bushings in (i) steel conveyor chains, (ii) draw bench or steel mill type chains, or (iii) cast sprocket chains. No bushings other than carbon steel or gray iron shall be inserted in bores of conveyor chain rollers.

(3) *Conveyor and elevator sprockets.* No alloy steel or alloy iron shall be used in chain sprocket wheels.

(4) *Conveyor structures.* (i) No steel, except in clips, bearing brackets, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars, mesh, and washers, shall be used in the following structural parts:

- (A) Supports for fixed conveyor frames.
- (B) Fixed bulk material belt conveyor frames (including stringers).
- (C) Conveyor galleries.
- (D) Belt conveyor decking.
- (E) Walkways, toe boards, handrails, stairways, and platforms.
- (F) Guards or housing used only for protection.

(G) Bucket elevator casings; except corner angle iron for self-supporting casings, and boot lining and loading legs. Such corner angle iron for self-supporting casings, and boot lining and loading legs shall not exceed 1/4 inch in thickness.

(H) Troughs or trough covers for fixed flight, drag, scraper or screw conveyors, except where liquids or semi-liquids are being conveyed.

(i) Trough linings for fixed conveyors shall not exceed No. 10 U. S. gage in thickness.

(iii) Steel for chutes and spouts shall not exceed 3/16 inch in thickness.

(iv) No steel or rubber liner plates shall be used in steel chutes or steel spouts.

(v) Steel linings for wood chutes or wood spouts shall not exceed No. 10 U. S. gage in thickness.

(vi) No copper bearing sheets or plates shall be used.

(vii) Steel troughing belt carriers and steel return belt idler rolls shall not exceed 5 inches nominal diameter on idlers up to 42 inches; and shall not exceed 6 inches on idlers 42 inches and over.

(c) *Mechanical power transmission equipment.* The materials listed below are restricted or prohibited in the construction of mechanical power transmission equipment as prescribed below; except as the Director General for Operations may waive compliance with any such restriction or prohibition, upon application by the manufacturer by letter setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Anti-friction bearings.* (i) Anti-friction bearings shall not be used in hangers, loose pulleys, and clutch pulleys for line shafting except for the following purposes, as certified by the purchaser:

(A) The reduction or elimination of fire hazards resulting from the combustible nature of the material being processed.

(B) Reduction or elimination of waste due to spoilage.

(C) Reduction of starting or running loads where the use of anti-friction bearings will correct an overload pertaining to the primary source of power.

The above mentioned certification by the purchaser shall be included in or shall accompany the purchase order, shall be signed by a duly authorized official of the purchaser, and shall be in the following form:

"The undersigned hereby certifies that the anti-friction bearings covered by order _____ (here give order number or other pertinent description)

are for the following purposes as permitted by the provisions of Item (c) (1) of List A to Order L-193:

(here fill in the purposes for which the bearings will be used)

By _____ Company.

Such certification shall be deemed a representation to the War Production Board as well as to the supplier to whom the order is tendered.

(ii) No alloy steel or alloy iron shall be used in bearing housings.

(2) *Bearings.* No alloy steel or alloy iron shall be used in base, cap or liner castings for sleeve bearings; or in bearing hangers, base plates, floor stands, or wall brackets for line shafting.

(3) *Chains.* (i) No alloy steel or alloy iron shall be used in cast sprocket chains.

(ii) The aggregate amount of alloy element or elements used in semi-finished roller or bushed drive chain shall not exceed 40 percent of the aggregate amount used in the manufacture of a similar quantity of chain in standard practice by the manufacturer prior to November 1, 1941.

(iii) The aggregate amount of alloy element or elements used in finished roller or silent chain shall not exceed 40 percent of the aggregate amount used in the manufacture of a similar quantity of such chain in standard practice by the manufacturer prior to November 1, 1941.

(4) No alloy steel or alloy iron shall be used in chain sprocket wheels.

(5) *Shafting Appliances.* No alloy steel or alloy iron shall be used in the construction of shafting appliances in rigid couplings, collars, or pulleys and sheaves.

(6) *Gears.* No alloy steel or alloy iron shall be used in cast teeth or molded teeth gears and pinions or in gear housings.

(7) *Guards and Housings.* No steel shall be used in guards and housings used solely for protection; except that steel may be used in supporting clips or bolts.

(d) *Rust Proofing.* No metallic plating or coating shall be used in the rust proofing of conveyor machinery or mechanical power transmission equipment, except that galvanizing may be used to prevent contamination of food or in the case of anchor bolts set in concrete and subject to corrosive chemical action.

[F. R. Doc. 42-10024; Filed, October 7, 1942; 11:57 a. m.]

PART 3063—FOOTWEAR

[Interpretation 1 of Conservation Order M-217]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 3063.1, Conservation Order M-217, issued September 10, 1942:

The word "manufacture" in line two of paragraph (c) (1) of § 3063.1 (Conservation Order M-217), refers to the operation whereby the features mentioned in subdivisions (i) to (xvii), inclusive, of said paragraph became a part of the footwear.

Illustration: Subdivision (iv) refers to full overlaid tips or full overlaid foxings except on work shoes. The order prohibits the placing of full overlay tips or full overlay foxings on dress shoes after

17 FR. 7171.

October 31, 1942. But it does not prohibit the completion of the shoe if an overlaid tip or an overlaid foxing has been affixed prior to said date.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 83 and 507, 77th Cong.)

Issued this 6th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-6337; Filed, October 7, 1942; 9:48 a. m.]

Chapter XI—Office of Price Administration PART 1312—LUMBER AND LUMBER PRODUCTS [Amendment 1 to Revised Price Schedule 44¹]

DOUGLAS FIR DOORS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* Paragraph (i) of § 1312.159 is amended and § 1312.153a is added to read as follows:

§ 1312.159 *Appendix A: Maximum prices for Douglas fir doors.* * * *

(i) A delivered price in excess of the maximum f. o. b. mill prices set forth in Appendix A may be charged, computed according to the method used by the seller during the 30-day period ending December 10, 1941.

§ 1312.153a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1312.159 (i) and 1312.153a) shall become effective October 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6378; Filed, October 6, 1942; 3:03 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 36 to Revised Tire Retreading Regulations²]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBAC

Sections 1315.701 (b), 1315.803 (c) (2) (i), 1315.803 (d) (5), 1315.804 (a) (1) and 1315.804 (c) (1) are amended as follows: §§ 1315.803 (b) (1) and 1315.803 (b) (2) are revoked and § 1315.803 (b) (3) is renumbered § 1315.803 (b) (1); §§ 1315.805a and 1315.805b are revoked and the substance thereof is incorporated

*Copies may be obtained from the Office of Price Administration.

¹7 F.R. 1223, 1836, 2132.

²7 F.R. 1027, 1039, 2106, 2167, 2341, 2633, 2345, 2348, 3235, 3237, 3551, 3530, 4176, 4336, 4493, 4543, 4544, 4617, 4836, 5023, 5274, 5276, 5503, 5505, 5387, 6223, 6775, 7034, 7241, 7693, 7670, 7743, 7777.

in § 1315.805 which is amended as follows; new paragraphs (jj) and (kk) are added to § 1315.151, a new subparagraph (7) is added to § 1315.802 (d), a new subparagraph (6) is added to § 1315.803 (d), the text of § 1315.1005 is designated as § 1315.1005 (a) and a new paragraph (b) is added thereto, as set forth below:

Definitions

§ 1315.151 *Definitions.* For the purpose of these regulations:

(jj) "Passenger-type camelback" means passenger-type camelback as defined by specifications established from time to time by the War Production Board.

(kk) "Truck-type camelback" means truck-type camelback as defined by specifications established from time to time by the War Production Board.

Tire and Tube Certificates

§ 1315.701 *Notification.* * * *

(b) In cases where the Board authorizes an applicant to purchase retreaded or recapped tires, or retreading or recapping services, the Board shall immediately issue to such applicant a non-transferable certificate for the purchase of retreaded or recapped tires, or retreading or recapping services (O.P.A. Form No. R-2 (Revised)). Before issuing the certificate, the Board shall indicate on each part thereof, the type of camelback (truck-type or passenger-type) that may be used in retreading or recapping the tires specified thereon.

Transfers and Deliveries of New Tires and Tubes. Retreaded or Recapped Tires, and Camelback

§ 1315.802 *Permitted and prohibited deliveries of retreaded or recapped tires.* * * *

(d) *Other deliveries.* * * *

(7) Any retreader or recapper, to whom another retreader or recapper has transferred camelback applied to a tire for the purpose of curing, may transfer the retreaded or recapped tire, without certificate, to the retreader or recapper who applied the camelback.

§ 1315.803 *Permitted and prohibited deliveries of camelback.* * * *

(c) *Transfers to replenish stock.* * * *

(2) * * *

(1) Upon presenting the appropriate part of a certificate or receipt, any person may purchase only the type of camelback specified thereon from a person dealing in or making camelback. The purchaser may present the replenishment portion (part B) of a retreaded or recapped tire certificate, the replenishment portion (part B) of an allotment of camelback certificate, or the replenishment portion (part B) of a receipt for

either retreaded or recapped tires or camelback. When using the replenishment portion of a receipt for camelback or the replenishment portion of an allotment of camelback certificate, he may purchase the number of pounds of camelback specified thereon. If he uses the replenishment portion of a retreaded or recapped tire certificate or the replenishment portion of a receipt for retreaded or recapped tires, he may purchase the number of pounds of camelback specified in the table appearing below in this subdivision.

Table for Camelback Replenishment

Type of size of tires specified on certificate or receipt	Number of pounds of Camelback which may be purchased for each such tire
Passenger-car-type tire.....	8½
30 x 5 to and including 7.00 x 20/32 x 6.....	12
7.50-18 to and including 8.25-24.....	16
9.00-20 to and including 11.00-24.....	22
12.00-20 and up (regular truck tires).....	32
Truck tires 12.00-20 and up, (but not including tires 12.00-24 and larger) used on farm tractors (rear tires only), road graders, earth movers and other similar equipment used primarily on off-the-road work.....	55
Tires 12.00-24 and larger to be used on above types of equipment.....	(*)
* Amount necessary	

When the amount of camelback to be replenished cannot be calculated from the above table, the person purchasing the camelback shall attach to the replenishment portion (part B) of the Certificate Form R-2 (Revised), or the Receipt Form R-12 (Revised), certified statement showing the amount of camelback necessary to retread or recap the number of tires specified on the certificate or receipt, and he shall be entitled to purchase the amount of camelback appearing on such statement.

(d) *Other transfers.* * * *

(5) *To retreaders with War Department contracts.* Notwithstanding the provisions of § 1315.803 (c), any manufacturer or dealer in camelback may (without certificate) transfer camelback for use on tires owned by the United States Army, Navy, Marine Corps or Coast Guard to any retreader or recapper who either has a prime contract with the War Department to retread or recap such tires or has a subcontract with the prime contractor, but only when the following conditions are first satisfied.

(6) *Remilled camelback.* Any person who deals in or makes camelback may remill deteriorated camelback which has been transferred to him by a retreader or recapper and may transfer the re-

milled camelback or camelback of identical type, grade, gauge and weight to the retreader or recapper upon authorization in writing issued to the retreader or recapper by the Regional Administrator of the Office of Price Administration having jurisdiction over the area in which the principal place of business of the retreader or recapper is located. The Regional Administrator may, in his discretion, grant, deny, limit or revoke the authorization. In addition to the reports and records required by other sections of these regulations, any person making a transfer pursuant to this paragraph (d) (6) shall maintain such records, file such reports and conform to such procedure as may be required by the Office of Price Administration.

§ 1315.804 *Transfer of new tires or tubes, retreaded or recapped tires, or camelback to certain governmental agencies, to manufacturers of new vehicles, and for export.* * * *

(a) * * *

(1) To or for the account of the Army, Navy or Marine Corps of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ship's store, commissary, or similar agency or organization.

(c) * * *

(1) O.P.A. Form No. R-12 (Revised) may be obtained from any Local Board and will also be distributed through appropriate governmental agencies. The form shall consist of four parts. Part A shall be mailed to the Regional Office of the Office of Price Administration serving the area in which the seller is located within fifteen (15) days from the end of each calendar month in which deliveries or shipments of tires, tubes or camelback have been made. Part B shall be used as a basis for replenishing stocks in accordance with the transfer provisions of §§ 1315.801 (d), 1315.802 (c) and 1315.803 (c), whichever is appropriate; any person who retreads or recaps Army, Navy, Marine Corps or Coast Guard tires under a prime contract with the War Department for such retreading or recapping or under a subcontract with such prime contractor shall not use O.P.A. Form No. R-12 (Revised) to replenish the camelback so used, but upon obtaining that

form from the United States Army, Navy, Marine Corps or Coast Guard shall forward part B thereof together with part A to the Regional Office of the Office of Price Administration. Part C shall be retained by the seller as his record of the transaction in accordance with the record keeping requirements of these regulations. Part D shall be retained by the purchaser as his record.

§ 1315.805 Certificate for allotment of camelback for retreaders or recappers—

(a) *Application for authority to purchase allotment of camelback.* Any retreader or recapper who is not a maker of camelback may apply to the Board having jurisdiction over the area in which his principal office is located, and to that Board only, for authority to purchase an allotment of truck-type camelback for each mold that he operates capable of retreading or recapping truck-type tires only, an allotment of passenger-type camelback for each mold that he operates capable of retreading or recapping passenger-type tires only and an allotment of both truck-type camelback and passenger-type camelback for each mold that he operates capable of retreading or recapping both truck-type and passenger-type tires. Only one application may be filed except that an applicant who subsequently acquires additional molds may file application for such molds. Each applicant may be authorized to purchase sufficient truck-type camelback for each mold that he operates capable of retreading or recapping truck-type tires to enable him to have the amount of truck-type camelback specified in the following table, less the combined total of his inventory of truck-type camelback as of midnight February 18, 1942, irrespective of where located, the amount of truck-type camelback that the Board authorized him to purchase as an initial allotment of truck-type camelback prior to October 12, 1942, and the amount of truck-type camelback that he acquired subsequent to February 18, 1942, pursuant to § 1315.803 (d) (1) of these regulations.

Type of mold	Tire retreading capacity of mold	Number of pounds of camelback per mold	Type of camelback
Individual	7.50 x 20 or larger	1,000	Truck
Individual	5.50 x 17, 20 x 5 or larger, but not 7.50 x 20 or larger	300	Truck
Multiple	7.50 x 20 or larger	1,500	Truck

Each applicant may be authorized to purchase sufficient passenger-type camelback for each mold that he operates capable of retreading or recapping passenger-type tires to enable him to have the amount of passenger-type camelback specified in the following table, less the combined total of his inventory of passenger-type camelback as of midnight March 22, 1942, irrespective of where located, the amount of passenger-type camelback that the Board authorized him to purchase as an initial allotment of passenger-type camelback prior to October 12, 1942 and the amount of passenger-type camelback that he acquired subsequent to March 22, 1942, pursuant to § 1315.803 (d) (1) of these regulations.

Type of mold	Tire retreading capacity of mold	Number of pounds of camelback per mold	Type of camelback
Individual	Smaller than 7.50 x 20	1,000	Passenger
Multiple	Smaller than 7.50 x 20	1,000	Passenger

(b) *Form of application.* Application for authority to purchase an allotment of truck-type camelback and application for authority to purchase an allotment of passenger-type camelback shall be made on O.P.A. Form No. R-9 (Revised). In making the application and executing the certification the applicant shall follow the procedure set forth in § 1315.605 of these regulations.

(c) *Action by Board.* If the Board, in its discretion, determines that an application should be granted either wholly or in part, it shall note upon such application the amount and type of camelback the applicant is authorized to purchase and the serial number of the certificate to be issued. It shall then issue to such applicant a certificate on O.P.A. Form No. R-10 (Revised) for the appropriate amount and type of camelback.

(d) *Action by purchaser.* Upon receiving the completed certificate, the applicant may at any time purchase the number of pounds and type of camelback indicated thereon from any supplier of camelback. If the purchaser does not buy from one supplier all the camelback which he has been authorized to purchase, he shall return the certificate to the issuing Board and the Board shall thereupon issue as many certificates as are necessary to permit his purchases to be made among several suppliers.

(e) *Action by suppliers.* Prior to delivering or shipping any camelback pursuant to a certificate surrendered to him,

the supplier must complete part A of the certificate. Part A must then be detached and returned to the issuing Board within five days after shipment of the camelback to the purchaser. If the supplier is a maker of camelback, part B must be retained as his record of the transaction. If the supplier is not a maker of camelback, he may use part B as the basis for replenishing his stock of camelback pursuant to paragraph (c) of § 1315.803 of these regulations.

(f) *Records.* Any person who has purchased an allotment of camelback pursuant to this section shall keep records at his principal office and at each establishment where he operates molds capable of retreading or recapping tires showing the name and address of his supplier, the amount, type, grade and gauge of camelback that he purchased, the date of purchase, the amount, type, grade and gauge of camelback that was transferred by his supplier to each of his establishments, and the date of such transfer.

§ 1315.1005 Records and reports by recappers and retreaders. (a) * * *

(b) Any retreader or recapper who transfers camelback among his warehouses and premises, as provided in § 1315.803 (a) (2), shall keep records at both the premises from which the camelback is transferred and the premises to which the camelback is transferred showing the address of each, the date of transfer and the amount, size, type and gauge of camelback transferred. Any retreader or recapper who transfers a mold capable of retreading or recapping tires among his premises shall keep records at both the premises from which the mold is transferred and the premises to which the mold is transferred showing the address of each such premises, the date of transfer, the serial number, and the retreading capacity of the mold.

§ 1315.1199a Effective dates of amendments. * * *

(jj) Amendment No. 36 (§§ 1315.151, 1315.701, 1315.802, 1315.803, 1315.804, 1315.805, 1315.805a, 1315.805b and 1315.1005) to Revised Tire Rationing Regulations shall become effective October 12, 1942.

(Pub. Law 421, 77th Cong., OPM Supp. Order No. M-15c, W.P.B. Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6379; Filed, October 6, 1942; 3:03 p. m.]

PART 1341—CANNED AND PRESERVED FOODS
[Maximum Price Regulation 232]

APPLE BUTTER

Correction

In § 1341.456 appearing on page 7779 of the issue for October 1, 1942, a comma should be inserted between the words "business" and "assets" in the second line.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Amendment 6 to Maximum Price Regulation 169]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

Correction

In § 1364.67 appearing on page 7780 of the issue for October 1, 1942, the heading "Regulation 7" should read "Regulation 7. Fees and Expenses".

PART 1377—WOODEN CONTAINERS

[Correction to Amendments 1 and 2 Under Maximum Price Regulation 186¹]

WESTERN WOODEN AGRICULTURAL CONTAINERS

In the captions of Amendment No. 1² and Amendment No. 2³ to Maximum Price Regulation No. 186, the language "Part 1312—Lumber and Lumber Products" is amended to read as follows:

Part 1377—Wooden Containers.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9980; Filed, October 6, 1942;
3:05 p. m.]

PART 1382—HARDWOOD LUMBER

[Amendment 2 to Maximum Price Regulation 97⁴]

SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (h) of § 1382.112, Appendix A, and §§ 1382.113 and 1382.114, Appendices B and C, are revoked and a new § 1382.113, Appendix B, is added as set forth below:

§ 1382.113 Appendix B: Maximum prices for Southern hardwood lumber in special grades or items or prepared with special workings, treatments or services—(a) Application of Appendix B. This section shall apply to Southern hardwood lumber which is sold on

specifications (grades, items, workings, treatments and for services) not covered by Appendix A, § 1382.112, but shall not include the following:

- (1) Glued stock
- (2) Moulding
- (3) Shiplap (Note: Construction boards worked to shiplap are governed by paragraph (b) (32) of § 1382.112, Appendix A.)
- (4) Risers, step treads, thresholds, handrails
- (5) Bevel and drop siding
- (6) Flooring
- (7) Switch, cross, and mine ties
- (8) Mine material
- (9) Small dimension stock
- (10) Lath

(b) *Maximum prices for combination grades.* Where Southern hardwood lumber is sold on a Log Run, Mill Run, or No. 1 Common and Better grade for which no maximum price has been established in § 1382.112, Appendix A, the maximum price shall be the maximum price established in that section for the lowest grade of lumber contained in the stock that is sold on such special inspection grade. The seller, however, may grade and ship the lumber on the standard grades included in such special inspection grade and invoice the footage in each of the standard grades at a price not to exceed the maximum price established in this Maximum Price Regulation No. 97 for the respective standard grades.

(c) *Maximum prices for special grades (other than combination grades, items, workings, treatments and services).* The maximum price (for any seller) for Southern hardwood lumber in a special item or special grade (other than a combination grade) or prepared with a special working, treatment or service shall be computed by adjusting the maximum price established in Appendix A, § 1382.112, of this Maximum Price Regulation No. 97 for the most comparable standard grade or item in accordance with the differential or differentials which were employed or would have been employed by the producing mill during the period of October 1 to 15, 1941, subject to the following conditions:

(1) The mill must, within thirty days of entering into a contract for sale of stock subject to the provisions of this paragraph, file a report with the Lumber Branch of the Office of Price Administration, Washington, D. C., and with the buyer, on OPA Form 197:3 setting forth full details of the transaction, including (i) the name and address of the purchaser, (ii) the point of origin and the point of delivery of the stock, (iii) the species and grades of lumber ordered, (iv) the specifications, including any special working, treatment or service, (v) the price charged for the stock, including the functional commission or discount where the lumber is sold to or through a wholesaler or commission salesman, and (vi) an explanation of how the price was computed, including a showing that the price bears the same relationship to the most comparable standard grade or item of lumber as was employed or would have been employed by the producing

mill during the period of October 1 to 15, 1941.

(2) Where the Office of Price Administration, within thirty days of receipt of the report, rules in writing that the seller has made an excessive charge for furnishing stock in special grades or items or prepared with special workings, treatments or services, the seller must readjust the sale price in accordance with the ruling of the Office of Price Administration. If the Office of Price Administration does not rule on the price within such time, the price submitted shall be considered approved.

(3) Pending action on the application of the producing mill by the Office of Price Administration, the seller may quote and deliver at a price which is agreed between buyer and seller to be subject to adjustment in accordance with the action taken on the application, but final payment may not be made and accepted until a maximum price has been approved by the Office of Price Administration.

(4) In the event that the Office of Price Administration approves the price charged by the producing mill, or in the event that the Office of Price Administration rules as to the maximum price which the mill may charge, the price as established shall become the maximum price which any seller thereafter may charge for lumber sold on the special specifications and shipped from the particular mill to which the price is applicable. In subsequent sales of such special stock the mill need not file a report with the Office of Price Administration unless the price quoted by the mill is in excess of the maximum price previously determined.

(5) Copies of OPA Form 197:3 can be obtained from the Office of Price Administration, or OPA Form 197:3 can be reproduced by the seller, providing no change is made in style or content of the form.

OFFICE OF PRICE ADMINISTRATION

LUMBER BRANCH

Hardwood Section

Report of Sales of Southern Hardwood Lumber in Special Items or Special Grades (other than Combination Grades), or Prepared with Special Workings, Treatments or Services

Company -----
Address -----
Mill Location -----

SALES OF SPECIAL STOCKS OF LUMBER

(As defined in Appendix B of Maximum Price Regulation No. 97)

(This report must be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days of the date on which the producing mill enters into a contract for the sale of Southern hardwood lumber in a special item or special grade (other than a combination grade) or prepared with a special working, treatment or service.

Date of order -----
Origin of shipment -----
Order No. -----
Destination of shipment -----
Purchaser -----
(Name and address)

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 5776, 6968, 7364.

² 7 F.R. 6968.

³ 7 F.R. 7364.

⁴ 7 F.R. 790, 1388, 1675, 1836, 2132, 2509, 3124, 4107, 5667, 6681, 7149.

F. o. b. Mill Price
(Including discounts or commissions, if any)

(Species) (Thickness) (Widths) (Lengths)

(Designation of grade, item, working, treatment or service.)

Differential in relation to most comparable standard grade or item which was employed or would have been employed during October 1-15, 1942.

Most comparable standard grade or item to which differential is applied

Complete description of special grade, item, working, treatment or service (including a statement whether the lumber is rough or machined and is air dried, kiln dried, or green)

Detailed explanation of how maximum price was computed or built up

(Name) (Office or title)
Subscribed and sworn to before me, a notary public, in and for this day of 1942.

[NOTARIAL SEAL]

(Notary Public)

My commission expires:

(6) Any report filed prior to October 10, 1942, with the Office of Price Administration pursuant to § 1382.113, Appendix B (Maximum prices for Southern hardwood lumber in "recurring special" grades or items), or § 1382.114, Appendix C (Maximum prices for Southern hardwood lumber in "non-recurring special" grades or items), of this Maximum Price Regulation No. 97 as constituted prior to this Amendment No. 2 thereto shall be considered as a report filed pursuant to subparagraph (1) of this paragraph (c) and shall be treated as though filed on the day said report was received by the Office of Price Administration.

(7) Maximum prices for special grades or items approved prior to October 10, 1942, by the Office of Price Administration pursuant to § 1382.114, Appendix C (Maximum prices for Southern hardwood lumber in "non-recurring special" grades or items), of Maximum Price Regulation No. 97 as constituted prior to this Amendment No. 2 thereto shall continue in effect as the maximum prices for such special grades or items produced at the mill which obtained such approval of maximum prices. With respect to such special grades or items the producing mill need not file the report required in subdivision (1) of this paragraph (c).

§ 1382.111a *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§ 1382.113) to Maximum Price Regulation No. 97, as amended, shall become effective October 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9981; Filed, October 6, 1942; 3:10 p. m.]

PART 1404—RATIONING OF APPAREL

[Amendment 1 to Ration Order 6¹]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES RATIONING REGULATIONS

A new paragraph (1) to § 1404.43, and a new § 1404.71 are added; paragraph (a) of § 1404.31, paragraph (b) of § 1404.43, and § 1404.35 are amended as set forth below:

Acquisition and Transfer by Retailer, Distributor, and Manufacturer

§ 1404.31 *Transfer of rubber footwear to exempt person*—(a) *Procuring certificates after transfer to exempt persons.* Any person who transfers rubber footwear from an establishment to any of the agencies enumerated in paragraph (b) of this section; or to any person acquiring such rubber footwear for export to and use in any foreign country, or as slop-chest supplies for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade; or who ships or otherwise sends rubber footwear to a Territory, Possession, or Dependency of the United States (except the District of Columbia), without the surrender of certificates, may, after such establishment has been registered pursuant to § 1404.20, apply to the Board on O. P. A. Form R-604 for Parts I of certificates authorizing the acquisition of the type and quantity of rubber footwear so transferred. A separate application shall be made for each type. Before the Board may grant any such application, the applicant shall exhibit to it bills of lading, shipping documents, or other proof of such transfer, and in the case of delivery to a vessel as slop-chest supplies the application shall be accompanied by a statement signed by the Collector of Customs or his deputy certifying that the number of pairs of rubber footwear delivered to the owner of the vessel or his agent was necessary for slop-chest supplies: *Provided, however*, That matters involving military or naval secrets, such as points at which delivery was made, need not be revealed to the Board.

§ 1404.35 *Disposal of rubber footwear acquired without certificates.* Any person who acquires rubber footwear without the surrender of certificates, pursuant to § 1404.40, may thereafter transfer such rubber footwear only upon surrender to him of appropriate certificates except as otherwise expressly provided in Ration Order No. 6. On or before the tenth day of the month following the month in which such transfer was made, Parts I of such certificates shall be surrendered for cancellation to the Central Inventory Unit of the Office of Price Administration, Empire State Building, New York City; and Parts III (if any) of such certificates shall be sent to the respective State Directors specified thereon.

Exceptions

§ 1404.43 *Other excepted transfers.* * * *

¹ 7 F.R. 7748.

(b) *Transfers to exempt persons.* Any person may, at any time after the effective date of Ration Order No. 6, transfer, without the surrender of certificates, rubber footwear to any of the agencies enumerated in § 1404.31 (b); or to any person acquiring such rubber footwear for export to and use in any foreign country, or as slop-chest supplies for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade; or may ship or otherwise send rubber footwear to a Territory, Possession, or Dependency of the United States (except the District of Columbia).

(1) *Transfers from slop-chests.* At any time after the effective date of Ration Order No. 6 a person who acquired rubber footwear as slop-chest supplies for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade, may transfer such rubber footwear, without the surrender of certificates, to the members of the crew for use aboard such vessel.

Effective date

§ 1404.71 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1404.31 (a), 1404.35, 1404.43 (b) (1), 1404.71) shall become effective October 6, 1942.

(Pub. Law 421, 77th Congress, W.P.B. Dir. 1, 7 F.R. 562 and Supp. Dir. 1-N, 7 F.R. 7730)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9982; Filed, October 6, 1942; 3:11 p. m.]

PART 1499—COMMODITIES AND SERVICES [Amendment 1 to Maximum Price Regulation 163¹]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

A statement of considerations involved in the issuance of this amendment has been prepared and issued simultaneously herewith.

Sections 1499.153 (b) and (c), 1499.156 (b) (3), 1499.157 (e) (3), 1499.153, 1499.163 (a) (2), and 1499.166 are hereby amended to read as follows, a new subparagraph (5) is added to § 1499.163 (a), and new §§ 1499.159a and 1499.165a are added, as set forth below:

§ 1499.153 *Maximum prices for articles of building materials and consumers' goods finally priced before August 1, 1942.* * * *

(b) *Articles priced on and after April 1, 1942 and before August 1, 1942.* The maximum price for any article not delivered or offered for delivery in March 1942 by the manufacturer, for which a maximum price was finally determined in accordance with the provisions of §§ 1499.2 or 1499.3 of the General Maximum Price Regulation² or in accordance

¹ 7 F.R. 5572.

² 7 F.R. 3153, 3330, 3593, 3591, 4339, 4487, 4639, 4733, 5027, 5192, 5276, 5353, 5445, 5553, 5484, 5753, 6058, 6091, 6097, 6216, 6615, 6794, 6739; 7633, 7322, 7454, 7259.

with the provisions of Temporary Maximum Price Regulations No. 3³ or 5,⁴ and which was offered for sale before August 1, 1942, (or which was offered for sale to the United States or an Allied Government before September 1, 1942), shall be the price so determined.

(c) *Reports of maximum prices.* On or before August 20, 1942 (or in the case of sales to the United States Government or an Allied Government, on or before November 1, 1942), the manufacturer shall report to the Office of Price Administration, Washington, D. C., all maximum prices determined under paragraph (b) of this section which have not already been reported in accordance with the provisions of the General Maximum Price Regulation or Temporary Maximum Price Regulations Nos. 3 or 5. Such reports shall contain a description of the article, and shall indicate the method of determining the maximum prices. All such maximum prices shall be subject to adjustment (not to apply retroactively) at any time upon written order of the Office of Price Administration.

§ 1499.156 *Second pricing method: changes necessitated by shortages of materials or parts.* * * *

(b) *Reports of maximum prices.* * * *

(3) *Articles first offered for sale on or after September 1, 1942.* Except as provided in the next paragraph of this subparagraph (3), in the case of an article first offered for sale on or after September 1, 1942, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the report required in (1) prior to first offering the article for sale. Fifteen days after the mailing of the report, in the absence of a contrary direction from the Office of Price Administration, the manufacturer may offer for sale the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively) at any time by order of the Office of Price Administration.

In the case of an article for which a maximum price must be determined under this section for a sale to the United States Government or an Allied Government, the manufacturer may at any time offer for sale, sell, or deliver the article at a tentative price to such government or agency if he informs the purchaser that the maximum price must be determined under this section. In such case he must refund any amounts collected in excess of the price so determined. The manufacturer shall submit the report required in (1) ten days after the formation of the contract. Fifteen days after the mailing of the report, in the absence of a notification to the contrary from the Office of Price Administration, the reported maximum price shall stand approved. Such approved price shall be subject to adjustment (not to apply retroactively) at any time by order of the Office of Price Administration.

§ 1499.157 *Third pricing method: pricing by comparable articles.* * * *

(e) *Reports of maximum prices.* * * *

(3) *Articles first offered for sale on or after September 1, 1942.* Except as provided in the next paragraph of this subparagraph (3), in the case of an article first offered for sale on or after September 1, 1942, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the report required in prior to first offering the article for sale. Fifteen days after the mailing of the report, in the absence of a contrary direction from the Office of Price Administration, the manufacturer may offer for sale the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively) at any time by order of the Office of Price Administration.

In the case of an article for which a maximum price must be determined under this section for a sale to the United States Government or an Allied Government, the manufacturer may at any time offer for sale, sell, or deliver the article at a tentative price to such government or agency if he informs the purchaser that the maximum price must be determined under this section. In such case, he must refund any amounts collected in excess of the price so determined. The manufacturer shall submit the report required in ten days after the formation of the contract. Fifteen days after the mailing of the report, in the absence of a notification to the contrary from the Office of Price Administration, the reported maximum price shall stand approved. Such approved price shall be subject to adjustment (not to apply retroactively) at any time by order of the Office of Price Administration.

§ 1499.158 *Fourth pricing method: specific authorization by the Office of Price Administration.*—(a) *Maximum prices.* The maximum price for any article or group of related articles which cannot be priced under §§ 1499.155, 1499.156, or 1499.157, or which cannot be priced under §§ 1499.155, 1499.156, or 1499.157 without undue hardship, shall be the price or prices, in line with the level of maximum prices established by this Maximum Price Regulation No. 188, specially authorized by the Office of Price Administration.

(b) *Reports of maximum prices.* Prior to first offering the article for sale the manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report applying for specific authorization of a maximum price. The report shall contain a description in detail of the article (including the manufacturing process), a statement of the facts which make it necessary to price the article under this section, and the proposed maximum price, with a detailed explanation of its computation. If the manufacturer bases his report on undue hardship, he shall include in it all the information required by paragraph (e) of § 1499.157. If the manufacturer applies for approval of a pricing formula for a line or group of related articles, he shall include in his report a description in detail of the articles, including the manufacturing processes, and the manner in which they differ from one

another, a statement of the pricing formula he proposes for such articles or the maximum prices he proposes, with a detailed explanation of their computation, and the reasons why such maximum prices or pricing formula will establish maximum prices in line with the level of maximum prices established by this Maximum Price Regulation No. 188. The manufacturer shall submit such other relevant information to supplement his report as the Office of Price Administration may require. Upon receipt of the authorization, the manufacturer may offer the articles for sale in accordance with the terms of the authorization.

In the case of an article for which a maximum price must be determined under this section for a sale to the United States Government or an Allied Government, the manufacturer shall submit the report required in the above paragraph of this paragraph (b) ten days after the formation of the contract. The manufacturer may at any time offer for sale, sell, or deliver the article at a tentative price to such government or agency if he informs the purchaser that the maximum price must be determined under this section. In such case he must refund any amounts collected in excess of the price so determined. The price shall remain tentative until the maximum price has been determined by the Office of Price Administration.

§ 1499.159a *Classification of purchasers in sales to the United States Government and Allied Governments.* For a sale to the United States Government or an Allied Government of an article for which a maximum price has not been determined for sales to the class of purchasers to which such government belongs, but for which a maximum price has been determined under §§ 1499.153, 1499.155, 1499.156, 1499.157, or 1499.158 for sales to purchasers of a different class, if the manufacturer had no customary differential between the class of purchasers for which the maximum price has been determined and such government or the class to which it belongs, such government shall be regarded as belonging to the class of purchasers to whom the manufacturer customarily sold the article in quantities most nearly equal to the quantity of the article involved in the sale to such government. If the manufacturer customarily sells to more than one class of purchaser in such quantities, the lowest maximum price applicable to sales of the article to such classes of purchasers shall apply.

§ 1499.163 *Definitions.* (a) When used in this Maximum Price Regulation No. 188, the term:

(2) "Highest price charged during March, 1942" means

(i) The highest price which the seller charged to a purchaser of the same class for delivery of the article or material during March, 1942; or

(ii) If the seller made no such delivery during March 1942, such seller's highest offering price to a purchaser of the same class for delivery of the article or material during that month; or

³ 7 F.R. 1578.

⁴ 7 F.R. 1647.

(iii) If the seller made no such delivery and had no such offering price to a purchaser of the same class during March, 1942, the highest price charged by the seller during March, 1942, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers: *Provided however*, That if, prior to April 1, 1942, the seller raised his prices for the delivery of a commodity to his classes of purchasers generally, and if during March, 1942, he delivered such commodity at the higher price to at least one class of purchasers, the highest price charged during March, 1942, for each class of purchasers

(a) To which no delivery was made during March, 1942, at the higher prices, and

(b) To which no delivery was made during March, 1942, at a lower price after the price rise, unless made pursuant to a firm commitment entered into before such price rise

shall be the seller's highest offering price for delivery to such class of purchasers during March, 1942.

(5) "The United States Government or an Allied Government" means the United States or any agency thereof, or the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government.

§ 1499.166 *Appendix A: Articles covered by the regulation.* * * *

(a) *Building materials.* (1) Mechanical building materials and equipment.

Miscellaneous building equipment:

Hardware:
Furniture
Refrigerator
Showcase
Builders (except Revised Price Schedule No. 40)
Casket, shell
Metal weatherstrip
Metal sash
Air distribution ductwork
Metal doors
Timber connectors
Flashing and valleys
Ornamental iron work
Air distribution outlets:
Registers
Grilles
Diffusing outlets
Gutters, downspouts, ridge rolls and similar miscellaneous metal building products
Skylights
Ventilators, sheet metal
Enameled iron and steel sheets and shapes
Pipe hangers, rests, rollers, and miscellaneous piping accessories
Heating and winter air conditioning:
Boilers—steam and hot water:
Cast iron and steel firebox (except industrial boilers covered by Maximum Price Regulation No. 136 as amended)
Furnaces, heating, warm air:
Cast iron
Steel
Floor
Unit heaters, steam, hot water, and gas
Coils, extended surface, finned, etc.

Heating and winter air conditioning—Con.
Boilers—steam and hot water—Continued.
Radiation:
Cast iron
Convectors
Conversion grates
Heaters:
Hot water supply heaters
Burners:

Coal stokers (except those having a capacity of 1,200 lbs. per hr. or more covered by Maximum Price Regulation No. 136, as amended)
Gas (except industrial, covered by Maximum Price Regulation No. 136, as amended)
Oil, self-contained motor driven (horizontal rotary, vertical rotary and pressure atomizing) and vapor atomizing type
Domestic fuel oil storage tanks—above ground installation (except those covered by Revised Price Schedule No. 96)
Automatic controls for space heating, air conditioning, and refrigeration
Repair parts and service parts for the foregoing listed equipment
Furnace pipe and fittings

Plumbing:

Plumbing fixtures
Plumbing fixture fittings:
Faucets, waste connection, etc.
Water heaters, direct fired and indirect
Hot water storage tanks
Plumbing specialties:
Drains, ferrules, accessories, etc.
Sprinkler system equipment
Water filtering and treating equipment, domestic
Fire fighting standpipe, cabinet and hose equipment
Cast iron pressure pipe and fittings
Cast iron soil pipe and fittings (except as covered by Revised Price Schedule No. 100, as amended)

Valves and fittings:

Hand valves and pipe and tubing fittings, regardless of material
Steam and hot water heating specialties
S. A. E. valves and fittings
Motorized and motor operated valves
Commercial refrigeration and summer air conditioning:
Compressors under 25 horsepower
Coils and fan-coil units, regardless of size (such as, unit coolers, evaporating condensers, spot coolers, etc.)
Boxes (over 16 cu. ft. capacity) and cases
Units (over one horsepower portable air conditioners)
Drinking water coolers
Specialties
Evaporators

(2) *Masonry and construction materials.*

Concrete products:

Building blocks and brick
Cast shapes and cast stone
Tile and tiling
Sewer and culvert pipe
Drain tile
Posts, piles, and cribbing
Terrazzo
Septic tanks
Grave vaults

Structural clay products:

Brick and hollow tiles, glazed and unglazed
Clay conduit
Sand lime brick
Clay tile roofing
Clay drain tile
Vitrified clay sewer pipe (Except Maximum Price Regulation No. 206)

Tile:

Wall
Floor
Quarry

Terra cotta

Refractories:

Fireclay refractories
Silica refractories
Basic refractories (except Revised Price Schedule No. 75)
Special refractories
High temperature motors
Dead burned dolomite
Caustic calcined magnesite
Chemical stoneware
Chemical porcelain
Gypsum:
Crude
Calcined gypsum plaster

Plaster

Lime:

Construction
Metallurgical
Chemical

Sand and gravel

Slag

Crushed stone:

Construction
Metallurgical
Chemical

Light weight aggregates.

Cinders

Ready-mixed concrete

Slate:

Structural slabs
Electric
Roofing

Granules and flour

Dimension stone:

Limestone
Granite
Marble
Sandstone
Basalt and related rocks

Rough stone:

Rubble
Rip rap
Field stone

Clays (merchant):

Kaolin or china clay
Slip clays
Ball clay
Fire clay
Stoneware clay
Bentonite
Fullers earth
Miscellaneous and common, including shale

Talc, steatite, soapstone and pyrophyllite

Oil paints and varnishes:

Ready mixed paints of all types (interior and exterior)

Paste and semi-paste paints

Putty

Fillers

Oil, varnish and spirit stains

Paint and varnish remover

Colors-in-oil

White lead in oil

Zinc white in oil

Marine paints

Artists colors

Compounds:

Calking

Waterproofing (integral and hardeners)

Pipe

Aqueous (water) paints

Paint and varnish brushes and applicators

(3) *Insulating board, roofing materials, and glass.*

Asphalt and tarred roofing products (except Revised Price Schedule No. 45):

Roll roofing
Siding (asphalt felt base)
Shingles (asphalt)
Roof coatings and cement
Emulsified asphalt (building materials)
Asphalt and tarred felts
Slaters felts
Asphalts and tarred saturated building papers

Insulated brick or stone siding (and accessories)
 Asphalt floor tiles (and accessories)
 Asbestos-cement building materials:
 Shingles and accessories
 Siding and accessories
 Flat sheets and accessories
 Corrugated sheets and accessories
 Wallboard and accessories
 Tileboard and accessories
 Insulating asbestos-cement board and accessories
 Asbestos-cement pipe
 Glass products:
 Plate (all types)
 Window (all types)
 Laminated
 Picture
 Rolled, figured, wired and rolled heat-absorbing (except Maximum Price Regulation No. 175)
 Colored sheet and opalescent
 Cathedral
 Structural and architectural
 Glass blocks
 Other glass insulation products
 Gypsum board:
 Wallboard
 Lath
 Sheathing
 Liner board
 Tile
 Joint systems
 Fibre boards:
 Wallboard
 Display board
 Tile board
 Shaped board
 Poster board
 Colored board
 Insulation board:
 Wallboard:
 Natural and plain
 Colored and painted
 Textured
 Veneered
 Sheathing
 Plank and tile:
 Natural and plain
 Colored and painted
 Textured
 Veneered
 Roof insulation
 Acoustical
 Industrial
 Hard board:
 Presdwood
 Tempr presdwood
 Temprtle
 Quartboard
 Deluxe quarterboard
 Industrial presdwood
 Weatherwood hard board
 Weatherwood treated hard board
 Weatherwood dense board
 Weatherwood structo board
 Decorated tile board (Masonite or Weatherwood base):
 Plain
 Tile
 Mouldings
 Thermal insulations for buildings and industrial purposes:
 Rigid
 Semi-rigid
 Loose
 Granulated
 Pipe and boiler insulations:
 Cellular
 Laminated
 Solid
 Asbestos roll board
 Asbestos mill board
 Asbestos paper
 Mineral or glass wool
 85% Magnesia:
 Molded
 Cement

Pipe and boiler insulations—Continued.

High temperature:
 Molded
 Cement
 Metal lath and accessories
 (b) *Consumers' goods.* (1) *Bedding.*
 Mattresses and mattress pads
 Bedsprings, including boxsprings, coil bedsprings and flat bedsprings, but not including coil and flat bedsprings with non-steel frames
 Double duty sleep equipment, including studio couches, sofa beds, lounges, chair beds, love seats and sliding couches
 Cots
 Pillows
 Feathers and down
 Sisal pads
 Sleeping bags
 Innerspring units for upholstering and bedding purposes
 Upholstering coils and bedspring metal fabrics
 Inner constructions for boxsprings, studio couches and all double duty sleep equipment
 Quilts and comforters
 (2) *Equipment and supplies (except those covered by Maximum Price Regulation No. 136).*
 Artists' supplies
 Beauty parlor and barber shop furniture fixtures and equipment
 Ecclesiastical ware
 Funeral supplies and appurtenances
 Laboratory, hospital and professional fixtures and equipment (except those covered by Maximum Price Regulation No. 136)
 Office fixtures and safes
 Office machines and equipment (manual and electric)
 Restaurant fixtures and equipment
 School and office supplies, including carbon paper, but no other paper
 Scientific and technical instruments-apparatus and supplies (except those covered by Maximum Price Regulation No. 136, as amended)
 Store machines, fixtures and equipment, including:
 Store displays and display fixtures
 Dispensers
 Vending machines (coin operated)
 Time clocks
 Measuring devices for yardgoods, screens, linoleum, etc.
 Signs, electric, & mechanical, etc.
 (3) *Floor coverings.* All floor coverings, except terry cloth bath mats, and wool floor coverings subject to Revised Price Schedule No. 57.
 (4) *Furniture.* All types of furniture manufactured from any material for any purpose, to be used in any location, and any other articles made to serve the functional purposes of furniture.
 (5) *Hardware tools and appliances (except those covered by Maximum Price Regulation No. 136, as amended and Maximum Price Regulation No. 196)*
 Carpenters' tools, including:
 Saws
 Chisels
 Hammers
 Hatchets
 Planes
 Non-mechanical rules and tapes
 Auger bits and braces
 Hand drills
 Levels
 Squares
 Miter boxes
 Screw drivers
 Etc.

Mechanics' tools, including:

Anvils
 Crow bars
 Wrecking bars
 Pinch bars
 Blow torches and fire pots
 Bench grinders
 Hammers
 Wrenches
 Snips
 Hack saw frames
 Jacks and jack screws
 Lanterns
 Oilers
 Pliers
 Punches
 Tackle blocks
 Trowels
 Vises
 Handles
 Etc.
 Farm and garden tools and supplies, including:
 Axes
 Chain
 Corn planters
 Curry combs
 Singletrees
 Doubletrees
 Neck-yokes
 Handles
 Grass hooks
 Brush hooks
 Corn and can knives
 Wheelbarrows
 Couplings and nozzles
 Hog scrapers
 Hog and bull rings
 Well wheels
 Huskers
 Post hole diggers and augers
 Pruning equipment
 Scythes and snaths
 Hedge grass and pruning shears
 Shovels
 Hand sprayers
 Steel goods
 Hose clamps
 Etc.
 Coal miners tools, including:
 Coal pick
 Pinch bar
 Auger
 Needle
 Tamper
 Wedge
 Carbide lamps
 Etc.
 Horse shoes and nails
 Ice tools, including:
 Saws
 Tongs
 Etc.
 Logging tools, including:
 Cant hooks
 Peavies
 Pike poles
 Etc.
 Stove and furnace pipe and elbows
 Saddlery hardware, including:
 Buckles
 Loops
 Rings
 Etc.
 Heavy goods, including:
 Sledges
 Wedges
 Picks
 Mattocks
 Mauls
 Etc.
 Game traps
 Hand trucks and push carts
 Weather stripping
 (6) *Household appliances, electrical and other, including:*
 Household sewing machines
 Ice refrigerators

Air conditioning equipment (excluding built-in system)

Small electrical household appliances

Heating appliances, including:

Bakers
Boilers
Broilers
Buffet servers
Casseroles
Coffee makers
Cookers
Chafing dishes
Driers (clothes and hair)
Heaters (space and immersion)
Hot plates, grills and table stoves
Irons (curling)
Irons (flat)
Irons (waffle)
Kettles
Heating pads
Lighters (cigarette, etc.)
Percolators
Ovens (portable)
Pressers (trouser and tie)
Roasters
Sterilizers
Toasters
Vaporizers
Warmers (bottle and plate)
Etc.

Power appliances, including:

Freezers (ice cream, domestic)
Mixers and juice extractors
Fans (ceiling, desk and bracket, pedestal)
Vibrators and exercisers
Vaporizers and humidifiers
Electric shavers
Etc.

(7) Miscellaneous housewares, (except those covered by Maximum Price Regulation No. 196,) including:

Cooking utensils
Cutlery
Cleaning supplies (mops, brooms, etc.)
Cabinets
Bathroom equipment
Fireplace equipment
Galvanized-tin and painted tinware
Kitchen tools and gadgets
Woodenware and baskets
Household and personal brushes
Window shades
Drapery hardware
Scissors and shears
Vacuum bottles and specialties
Carpet sweepers
Unfinished furniture
Venetian blinds
Screens
Etc.

(8) Commercial kitchen equipment. Commercial and institutional kitchen equipment, irrespective of the type of fuel used, for use in hotels, restaurants, schools, hospitals, industrial and public cafeterias, and similar establishments, including:

Ranges
Broilers, including salamanders and combination types
Automatic deep fat fryers
Bain maries
Roasting ovens
Baking ovens (sectional and cabinet types)
Baker stoves
Steam jacketed kettles
Stock kettles (electric)
Vegetable steamers—commercial
Steam tables
Warming ovens
Plate warmers
Hot plates
Griddles
Automatic egg broilers
Coffee urns and coffee making systems
Toasters—commercial (gas)
Toasters—commercial over 2 slices (electric)

Dishwashers—commercial
Glasswashers—commercial
Silver burnishers
Mixers
Choppers
Slicing machines
Potato peelers
Coffee grinders—commercial
Chopping blocks
Pot racks
Pot sinks and vegetable sinks
Canopies
Etc.

(9) Marine hardware, boats, boat supplies, accessories and equipment (except those articles covered by Maximum Price Regulation No. 136, as amended) including:

Small boats and canoes
Boat furniture
Cabinet hardware (except those covered by Revised Price Schedule No. 40)
Cordage
Deck and exterior hardware (except those articles covered by Revised Price Schedule No. 40)
Fastenings, bolts, screws, nails, tacks, etc., (except those covered by Maximum Price Regulation No. 147)
Fire fighting equipment
Flags, poles, cockets
Ground tackle
Life saving equipment
Marine lights and equipment
Navigating equipment
Pipe and tube fittings
Dismountable propulsion equipment
Cars, paddles and accessories
Sailboat fittings
Steering equipment
Fenders and ring buoys
Marine stoves, heaters, and refrigerators
Etc.

(10) Personal and household accessories.

Household accessories, decorations and giftware, including:
Artificial and preserved flowers, foliage, fruits, etc.

Baskets
Bookends, wood and metal
Music boxes
Ornamental statuary
Plaques
Plaster work
Wood carvings
Screens, decorative
Etc.

Notions, including:

Buckles
Buttons
Clasps
Fasteners, slide and snap
Feathers and plumes
Hooks and eyes
Needles, hand, knitting, crochet
Pin cushions
Pins, safety, straight, hat, hobby, hair
Shoetrees
Thimbles
Zippers
Toilet sets
Combs
Vanitys
Compacts
Military insignia
Military buttons
Barettes
Button hooks
Glove stretchers
Hair curlers
Hair nets
Measuring tapes
Sewing kits
Sewing boxes
Tie racks
Beads
Etc.

Luggage, including:

Brief cases
Club bags
Dress trunks
Fitted cases
Overnighters
Gladstones
Hand trunks
Hat and shoe boxes
Sample cases
Sample trunks
Steamer trunks
Suit cases
Two suiters
Wardrobe trunks
Zipper bags
Train boxes
Etc.

Glassware, including:

Artware and specialties
Cutware
Deck glassware
Engraved ware
Etch ware
Glass hardware knobs
Glass novelties
Glass rods
Glass tubing
Hotel glassware
Bar glassware
Restaurant glassware
Soda fountain glassware
Household glassware
Lenses, and signal glass (except those covered by Maximum Price Regulation No. 136, as amended)

Illuminating glassware
Lamp chimneys
Lantern globes
Technical and laboratory glassware
Heat resisting and cooking glass
Industrial glass:

Technical
Scientific
Laboratory
Glass bottles and containers
Etc.

Mirrors

Pottery (except those articles covered by Maximum Price Regulation No. 116) including:

Art pottery
Stoneware
Etc.

Decorative accessories

Silverware, including:
Silverplated flatware
Silverplated hollow-ware
Sterling silver flatware
Sterling silver hollow-ware
Etc.

Miscellaneous plated ware (chrome plate, nickel plate, etc.)

Jewelry

Precious (gold-platinum-silver, etc.)
Non-precious (gold plate-gold filled, etc.)
(except jewelry exempted from the General Maximum Price Regulation by the provisions of Amendment No. 9 to the General Maximum Price Regulation)

Novelty:

Men's accessories, including:
Collar pins and buttons
Cuff links
Key chains
Belt buckles
Medals and badges
Metal watch bands
Etc.

Women's novelty jewelry, including:

Compacts and vanity cases
Lockets
Earrings
Etc.

Clocks and watches, including:

Clock cases, containers, guards
Watch cases, containers, guards
Electric clocks (except those covered by Maximum Price Regulation No. 136, as amended)

Clocks and watches, including—Continued.

Spring clocks, including:
 Alarm
 Decorative
 Etc.
 Etc.
 Portable lamps and shades (other than industrial) including:
 Boudoir lamps
 Desk lamps
 Floor lamps
 Table lamps
 Lamp shades
 Novelty lamps
 Torchieres
 Wall lamps
 Oil lamps
 Etc.
 Electric light bulbs (other than radio tubes) including:
 Arc
 Carbon
 Fluorescent
 Gaseous
 Incandescent
 Therapeutic
 Etc.
 Pictures and picture frames and mirror frames, including:
 Pictures:
 Framed
 Unframed
 Frames:
 Photograph
 Picture
 Mirror
 Optical goods, including:
 Optical glass
 Eye glass and spectacle cases
 Eye glass and spectacle frames and mountings
 Lenses for eye glasses and spectacles, white and colored
 Scientific optical instruments:
 Microscopes and accessories
 Optical measuring instruments
 Other instruments
 Scientific refracting instruments for oculists and optometrists:
 Ophthalmic chairs, stools, tables, etc.
 Ophthalmic units
 Refracting units
 Diagnostic instruments for use by eye, ear, nose, and throat specialists
 Goggles:
 Industrial
 Sun goggles
 Sun glasses
 Artificial eyes
 Binoculars
 Field glasses
 Opera glasses
 Telescopes
 Shooting glasses
 Contact lenses
 Prisms
 Magnifying glasses
 Loupes
 Readers
 Meteorological instruments:
 Barometers
 Hydrometers
 Thermometers, (for household, office, and advertising use only)
 Compasses
 Optical Rx Laboratory machinery and equipment
 Etc.
 Smokers' articles (except tobacco, cigars, and cigarettes), including:
 Cigarette cases
 Cigarette and cigar holders, pipes, pouches, etc.
 Pipe cleaners
 Cigarette lighters
 Etc.
 Umbrellas and canes
 Hair goods, including:
 Wigs
 Toupees
 Braids
 Etc.

(11) Radio, phonograph, and battery equipment.

Phonographs (except domestic electrical phonographs)
 Phonograph accessories, but not records
 Domestic radio accessories, but not radio parts

(12) Musical instruments, parts, and accessories, including toy and novelty musical instruments.

(13) Cameras, projectors, and equipment.

Cameras and photographic films, equipment, and materials, except chemicals
 Motion picture projection machines and apparatus

(14) Sporting goods except clothing and shoes.

(15) Toys and games.

(16) Wheel goods.

Baby carriages
 Bicycles (except bicycles for which maximum prices are established by agreement with the Office of Price Administration)
 Bicycle accessories and parts, but not tires and tubes
 Go-carts
 Motor bicycles and motor scooters
 Wheel chairs

(17) Unclassified:

Ammunition for small arms
 Amusement machines, coin operated
 Automobile seat coverings, fiber
 Bells, hand
 Butcher saws
 Dry cell batteries
 Eardrums, pneumatic
 Fire extinguishers
 Flashlights and electric hand lanterns
 Hearing aids (electric), hearing aid batteries, and accessories
 Jewelers' tools
 Manually operated tire pumps
 Pocket knives
 Spittoons and cuspidors
 Razors
 Razor blades
 Water coolers
 Christmas tree ornaments
 Christmas trees, artificial

§ 1499.165a. *Effective dates of amendments.* (a) Amendment No. 1 to Maximum Price Regulation No. 188 (§§ 1499.153 (b) and (c), 1499.156 (b) (3), 1499.157 (e) (3), 1499.158, 1499.159a, 1499.163 (a) (2), and (5), 1499.165a, and 1499.166) shall be effective October 6, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
 Administrator.

[F. R. Doc. 42-9990; Filed, October 6, 1942;
 4:49 p. m.]

PART 1499—COMMODITIES AND SERVICES
 [Order 86 Under § 1499.3 (b) of General Maximum Price Regulation¹]

AMERICAN TOBACCO COMPANY

The American Tobacco Company, a corporation, has made application under § 1499.3 (b) of the General Maximum Price Regulation for determination of a maximum price for a Christmas pack-

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7750.

age of smoking tobacco. Due consideration has been given to the application and an opinion in support of this order issued simultaneously herewith has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with § 1499.3 (b) of the General Maximum Price Regulation. *It is hereby ordered, That:*

§ 1499.300 *Authorization of a maximum price for a certain Christmas package of smoking tobacco for the American Tobacco Company.* (a) On and after October 7, 1942, the American Tobacco Company may sell and deliver to any person and any purchaser may buy and receive from the American Tobacco Company a Christmas package of smoking tobacco (consisting of 1½ ounce each of Herbert Tareyton and Personal Tobacco and 1¼ ounce each of Blue Boar, Carlton Club and Serene Tobacco all of which are packed in individual cardboard containers assembled in the shape of a star hereinafter spoken of as "Christmas package") at a price no higher than hereinafter set forth:

\$9.60 per dozen Christmas packages less 10% trade discount, and 2% cash discount for payment within 10 days.

(b) Any wholesaler or jobber may sell and deliver to any person and any person may buy and receive from such wholesaler or jobber the Christmas package at a price no higher than hereinafter set forth:

\$9.60 per dozen Christmas packages less the customary discount or discounts given by such wholesaler or jobber on other tobaccos to a purchaser of the same class.

(c) Any retailer may sell and deliver and any person may buy and receive the Christmas package at a price no higher than \$1.00 per package.

(d) The American Tobacco Company shall notify in writing all jobbers and wholesalers who purchase such Christmas package of the maximum prices established in paragraphs (a), (b) and (c) of this order for sales at wholesale and retail on or before the first delivery of such product after the effective date hereof and of the notification provision in paragraph (e) below.

(e) All suppliers of this Christmas package to sellers at retail on or before the first delivery of such product after the effective date hereof, shall notify in writing such sellers that the maximum price established for this Christmas package is \$1.00 per package.

(f) This Order No. 86 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 86 (§ 1499.300) shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of October 1942.

LEON HENDERSON,
 Administrator.

[F. R. Doc. 42-9991; Filed, October 6, 1942;
 4:50 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES
[Order 62 under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-414]

DE LA SALLE INSTITUTE

For the reasons set forth in an opinion* issued simultaneously herewith, *It is ordered:*

§ 1499.912 *Adjustment of maximum prices for wines and brandy manufactured by De La Salle Institute.* (a) De La Salle Institute, Napa, California may sell and deliver and Picker-Linz Importers, Inc., 17 West 46th Street, New York, New York may buy and receive from De La Salle Institute the following commodities at prices not higher than the maximum prices established therefor under § 1499.2 of the General Maximum Price Regulation plus the following additions:

Commodities:	Additions
Sweet Wine-----	10¢ per case (all sizes).
Dry Wine-----	13¢ per case (all sizes).
Brandy-----	16¢ per case (all sizes).

(b) The adjustment granted to De La Salle Institute is subject to the condition that Picker-Linz Importers, Inc. shall not use such adjustment as the basis for petitioning the Office of Price Administration for adjustment of its prices.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 62 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 62 (§ 1499.912) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 62 (§ 1499.912) shall become effective October 7, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9983; Filed, October 6, 1942; 3:11 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 63 under § 1499.18 (c) of General Maximum Price Regulation]

JUNEAU LUMBER MILLS, INCORPORATED

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.913 *Adjustment of maximum prices for lumber sold by Juneau Lumber Mills, Incorporated, Juneau, Alaska.* (a) Juneau Lumber Mills, Incorporated, of Juneau, Alaska, may sell and deliver, and any person may buy and receive from said Juneau Lumber Mills, any lumber at wholesale from its mill at Juneau, Alaska, at prices \$5.00 per 1,000 feet board measure in excess of the maximum prices established by the General Maximum Price Regulation and any lumber at retail from its mill at Juneau,

*Copies may be obtained from the Office of Price Administration.

Alaska, at prices \$4.00 per 1,000 feet board measure in excess of the maximum prices established by the General Maximum Price Regulation.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 63 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 63 (§ 1499.913) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 63 (§ 1499.913) shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9984; Filed, October 6, 1942; 3:03 p. m.]

PART 1302—ALUMINUM

[Amendment 1 to Revised Price Schedule 2, as Amended¹]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1302.13a is added, and in § 1302.14, paragraph (a) is amended to read as set forth below:

§ 1302.14 *Appendix A: Maximum prices for aluminum scrap—(a) Schedule of prices.* * * *

NOTE 2: *Low-grade or contaminated scrap.* If borings, turnings and similar machinings or other grades of aluminum scrap contain oil, water or other forms of contamination, maximum prices may be paid only on the basis of the actual weight of aluminum or aluminum alloy contained.

§ 1302.13a *Effective dates of amendments.* (a) Amendment No. 1 to Revised Price Schedule No. 2, as amended (§ 1302.14 (a)) shall become effective October 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10015; Filed, October 7, 1942; 11:30 a. m.]

PART 1302—ALUMINUM

[Correction to Revised Price Schedule No. 2, as Amended¹]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

In the table of maximum prices for aluminum scrap appearing in § 1302.14 (a),

¹7 F.R. 6469.

the line "28 solids" is corrected to read "2S solids."

* * * * *

§ 1302.13a *Effective dates of amendments.* * * *

(b) Correction (§ 1302.14 (a)) to Revised Price Schedule No. 2, as amended, shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10014; Filed, October 7, 1942; 11:30 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[Amendment 37 to Revised Tire Rationing Regulations¹]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES AND CAMELBACK

Section 1315.504 (a) (7) (iii) is amended, and a new subdivision (v) is added as set forth below:

Tires and Tubes for Vehicles Eligible Under List B

§ 1315.504 *Eligibility classification. List B.* (a) On a passenger car used principally to provide one or more of the following transportation services:

* * * * *

(7) * * *

(iii) Such written statement shall contain a certification that all of the following requirements have been met: (a) That the applicant is not a temporary or transient worker at such establishment; (b) that other practicable means of transportation, exclusive of the automobiles of other workers, are not available; or that their use requires the applicant to consume more than one hour in going either to or from his work; (c) that the applicant resides at least two miles from his place of employment; and (d) that the applicant regularly carries with him at least three other workers of any such establishment, none of whom resides less than two miles from his work; or, if the applicant operates a vehicle having a capacity of less than four, that such vehicle is regularly utilized to its full capacity; or that the applicant cannot transport the requisite number of other workers for the requisite distance because they do not reside near the route regularly traveled by him or do not travel at approximately the same time as he does, but that he regularly transports as many workers as possible.

(v) Certificates may be issued hereunder to all applicants who use their automobiles at regular intervals as certified in accordance with subdivision (iii) of this subparagraph.

¹7 F.R. 1627, 1653, 2103, 2167, 2541, 2533, 2345, 2349, 3235, 3237, 3551, 3839, 4176, 4226, 4493, 4543, 4544, 4217, 4536, 5023, 5274, 5176, 5369, 5615, 5277, 6223, 6775, 7024, 7241, 7559, 7670, 7743, 7777.

§ 1315.1199a *Effective dates of amendments.* * * *

(kk) Amendment No. 37 (§ 1315.504) to Revised Tire Rationing Regulations shall become effective October 13, 1942. (Pub. Law 421, 77th Cong., Jan. 30, 1942, OPM Supp. Order No. M-15c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10016; Filed, October 7, 1942; 11:29 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPERS AND PAPER PRODUCTS

[Amendment 1 to Maximum Price Regulation 182¹]

KRAFT WRAPPING PAPERS AND CERTAIN KRAFT BAG PAPERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* In § 1347.301, paragraph (a), paragraph (b), subparagraphs (2) and (7) of paragraph (b), paragraph (c) (1), subparagraphs (2) (i) and (2) (ii), (3) and (4) (i) of paragraph (c), in § 1347.311, subparagraphs (9) and (10) of paragraph (a) are amended; a new subparagraph (8) is added to § 1347.301 (c); and a new paragraph (d) is added to § 1347.301; as set forth below:

§ 1347.301 *Maximum prices for Kraft wrapping papers and Kraft bag papers.* * * *

(a) *Tabulation of maximum prices in sales by manufacturers.* * * *

	Per cwt.
Machine glazed Kraft wrapping paper (25 pound basis weight and heavier).....	\$5.25 ²
Machine glazed Kraft bag paper (25 pound basis weight and heavier).....	\$5.00 ²

²On sales of this grade by Fox Paper Company, Lockland, Ohio, Nekoosa-Edwards Paper Company, Port Edwards, Wisconsin, and Thilmany Pulp and Paper Company, Kaukauna, Wisconsin, the maximum price established in this paragraph shall be \$5.75 per cwt.

³On sales of this grade by Fox Paper Company, Lockland, Ohio, Nekoosa-Edwards Paper Company, Port Edwards, Wisconsin, and Thilmany Pulp and Paper Company, Kaukauna, Wisconsin, the maximum price established in this paragraph shall be \$5.50 per cwt.

(b) *Differentials applicable to sales by manufacturers.* In sales by manufacturers, there may be added to the maximum base prices established in paragraph (a) of this section the following differentials in only such cases in which such differentials are applicable:

(2) For L. C. L. orders:

Quantity:	Per cwt.
Less than 20,000 pounds.....	25¢
20,000 to carload.....	12½¢

* Copies may be obtained from the Office of Price Administration.

¹7 F.R. 5712, 6043.

(Quantity includes the total weight of any combination of the grades listed in paragraph (a) of this section and § 1347.11 (a) (6) of Maximum Price Regulation No. 129. The foregoing differentials may not be added where any shipment of such a combination comprises a carload.)

(7) Special packing of sheets (all prices and differentials set forth in subparagraphs (ii) to (v) of this subparagraph (7) inclusive) shall be on a net weight basis.

(c) *Merchants' or distributors' maximum selling prices.* (1) The maximum price at which a merchant or distributor may sell Kraft wrapping paper or Kraft bag paper to persons, excepting other merchants or distributors, shall not exceed the maximum price established in paragraphs (a) and (b) of this section plus the following mark-ups: (The manufacturer's differentials set forth in paragraph (b) of this section may be added to the maximum base prices established in paragraph (a) of this section only where such differentials are included in the manufacturer's price to the merchant or distributor.)

Quantity in pounds:	Per cwt.
Less than 100.....	\$3.75
100 to less than 375.....	2.25
375 to less than 750.....	1.50
750 to less than 1,500.....	1.25
1,500 to less than 7,500.....	1.00
7,500 to less than 15,000.....	.75
15,000 to less than 30,000.....	.50
30,000 or more.....	.25

(2) * * *
(i) In sales of less than 7,500 lbs., 5¢ per cwt for each 25¢ per cwt. in excess of such \$4.50: *Provided*, That a merchant or distributor who resells to other merchants or distributors may add not more than 2½¢ per cwt. for each 25¢ per cwt. in excess of such \$4.50.

(ii) In sales of 7,500 lbs. or more, 2½¢ per cwt. for each 25¢ per cwt. in excess of such \$4.50: *Provided*, That a merchant or distributor who resells to other merchants or distributors may add not more than 1¼¢ per cwt. for each 25¢ per cwt. in excess of such \$4.50.

(3) A merchant or distributor may add to the maximum price as established in paragraph (c) of this section actual charges incurred which shall not exceed the following in cases where he performs such operations: (Such charges shall be separately included in the invoice or other evidence of sale.)

	Per cwt.
Sheeting.....	\$1.00
Slitting.....	1.00
Sheet Trimming.....	.50

(4) * * *
(i) In computing his maximum selling price, every merchant or distributor who purchases from other merchants or distributors shall not exceed the maximum price established in paragraphs (a) and (b) of this section plus the mark-ups set forth in paragraphs (c) (1) and (c) (2), as amended above, of this section.

(8) For sales in carload lots requiring local delivery by the merchant or distributor from a warehouse or rail siding,

there may be added to the maximum price established herein the actual delivery expenses, (except that no rail freight shall be included) which in no event shall exceed the applicable local common carrier rate; and such expense shall be separately included in the invoice or other evidence of sale.

(d) Special put-ups of Kraft wrapping papers and Kraft bag papers not exceeding 10 lbs. per unit which are packaged exclusively for retail sales and are sold by recognized retail establishments are not covered by this regulation, but are covered by the General Maximum Price Regulation.

§ 1347.311 *Definitions.* (a) When used in this Maximum Price Regulation No. 182, the term: * * *

(9) "Imitation Kraft wrapping paper" means any wrapping paper 18 lb. basis weight or over containing more than 50% of any one or any combination of the following: wastepaper, groundwood, or screenings. All rolls and bundles must be stencilled or labeled with a designation including the words "Imitation Kraft."

(10) "Standard unbleached Kraft butchers wrapping paper" means any wrapping paper containing 50% or more unbleached sulphate fibre, testing less than 90% of the basis weight Mullen test under Standard Tappl testing procedure, possessing sizing, formation, etc., to make it suitable for butchers' use and sold for butchers' use.

§ 1347.314 *Effective dates of amendments.* (b) Amendment No. 1 (§ 1347.301 (a), (b), (2), (b) (7), (c) (1), (c) (2) (i) and (c) (2) (ii), (c) (c), (c) (4) (i) and (c) (8), (d), and § 1347.311 (a) (9) and (a) (10)) to Maximum Price Regulation 182 shall become effective October 12, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10017; Filed, October 7, 1942; 11:29 a. m.]

PART 1347—PAPER, AND PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[Amendment 8 to Maximum Price Regulation 129¹]

WAXED PAPER, ETC.

Waxed paper.
Envelopes.
Paper cups, paper containers and liquid tight containers.
Sanitary closures and milk bottle caps.
Drinking straws.
Certain sulphate and certain sulphite papers.
Certain tissue papers.
Rope and jute papers.
Technical papers.
Gummed papers.
Tags, pin tickets and marking machine tickets.
Glazed and fancy papers.
Standard grocer's and variety bags.

¹7 F.R. 3178, 3242, 3482, 3554, 4176, 4669, 5712, 5780, 5943.

Resale book matches.
Unprinted single weight crepe paper in folds.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1347.11a is added and eight new subparagraphs (25), (26), (27), (28), (29), (30), (31), and (32) are added to § 1347.22 (a), as set forth below:

§ 1347.11a *Maximum prices for commodities which cannot be priced under § 1347.11.* (a) In the case of a product which was not sold or offered for sale by the manufacturer during the applicable specified base period, and which cannot be priced under § 1347.11 (a) and (b) but which has substantially the same use, is produced by substantially the same process, and varies from a product sold or offered for sale only in one of the details named in this paragraph, the maximum price shall be the maximum price for the most closely comparable product sold during the applicable specified base period. Such price shall be adjusted and computed in the manner hereinafter stated:

(1) *When the variance is in count, length, quantity, or basis weight.* A proportionate increase or decrease in price shall be made. For example, a 25% decrease in the count, length, quantity, or basis weight shall be reflected by a 25% decrease in the price of the package. If the product to be priced falls within a well recognized price series, however, the price of the product shall be computed by interpolating the product in the appropriate position, pricewise, in the series. No price computed under this subparagraph shall exceed the manufacturer's previous highest price in the same series.

(2) *When the variance is in type of size of package, or in quality (other than basis weight), or in a factor as to which a price reduction or increase based upon a smaller or greater consumer value cannot be accurately calculated.* A tentative reduced or increased price shall be calculated by the manufacturer. If interpolation in a recognized price series is possible, such interpolation shall be made in the manner stated in (1) above. No price computed under this subparagraph shall exceed the manufacturer's previous highest price in the same series.

(3) (i) Any price calculated under (1) and (2) above shall be reported to the Office of Price Administration, together with a full description of the comparable product which has been used as a base, a statement of the difference between the product being priced and the comparable product or products, and a justification of the manufacturer's calculation of maximum price.

(ii) The manufacturer may sell, deliver, or offer to sell or deliver at his proposed price if, but only if, he expressly agrees with each customer to adjust such price, if necessary, and to conform with any order or ruling issued by the Price Administrator with respect thereto. If

within twenty-one days after the report is filed with the Office of Price Administration, the Administrator does not either disapprove or adjust the price, or extend the time for making such decision, such price may be deemed approved. At any future time, nevertheless, the Administrator may by order establish a lower maximum price for deliveries after the effective date of such order.

(b) The manufacturer's maximum price for a commodity which can not be priced under any of the foregoing sections or paragraph (a) above shall be a maximum price to be established at the level of prices prevailing during the applicable specified base period, in accordance with customary methods of computing prices on the basis of raw materials, conversion charges, margins, and charges for delivery. The general provisions of this paragraph shall be limited and defined by (1) (2) (3) and (4) below:

(1) *Raw materials costs.* The delivered purchase price at which the raw materials are acquired by a converting plant, or the transfer price of an integrated mill to its converting plant, neither of which shall in any event exceed the maximum prices established for such raw materials by the Office of Price Administration. In computing such transfer price, the manufacturer shall use the same method, classifications, and differentials as were used by such manufacturer in computing such transfer price during the applicable specified base period, excepting that such manufacturer may change such method, classifications and differentials, if a lower price results from such change. If, during the applicable specified base period, the manufacturer adopted or employed the practice of averaging or otherwise computing his raw materials costs, he shall continue such practice in the same manner. If a manufacturer acquired raw materials at less than maximum prices during the applicable specified base period, but computed his raw materials costs on the basis of ceiling prices for such raw materials during the applicable specified base period, he may continue to do so, provided the profit on raw materials thus taken, plus the margin, as described in (d) below, does not exceed in total the profit taken on raw materials, plus the margin, during the applicable specified base period. The manufacturer shall continue to add the same percentage charge for waste in estimating prices and applying credits received from the sale or other disposition of waste material in the same manner in which such credits or charges were applied during the applicable specified base period.

(2) *Applicable conversion charges.* Charges for hand and/or machine operations incident to the fabrication, assembly, marking and/or packing of commodities of the same general class shall not be computed in excess of the same hourly, piece and setting-up rates and shall be based on the same standards of production as were in effect during the applicable specified base period, and which were used in normally determin-

ing the selling prices of commodities and services contracted to be sold or supplied at a definite price during such period.

(i) The same method or principle for applying conversion charges shall be employed that was employed during the applicable specified base period, so that direct or indirect conversion charges shall be computed in the manner customarily employed during the applicable specified base period. Charges for a different type of conversion (e. g., hand rather than machine operations) shall not be substituted for customary conversion charges as a means of increasing the price of the product.

(3) *Margin.* This margin is to be computed on a percentage basis, or rate per unit of base material in accordance with the method, and shall be equivalent to the margin, used by the manufacturer during the applicable specified base period, in determining the selling price f. o. b. shipping point for the same or comparable commodity or service contracted to be sold at a definite price to a purchaser of the same class during such period.

(i) No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) *Charges for delivery.* No manufacturer shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of any commodity, than the manufacturer required purchasers of the same class to pay during the applicable specified base period on sales of the same or similar types of commodities.

(c) In using this section, the manufacturer shall keep on record sufficient evidence establishing that such commodities cannot be priced by § 1347.11, and the prices thus computed are in accordance with the rules set forth in this section.

(d) In the case of sales involving a commodity where the manufacturer cannot establish the facts required by paragraphs (b) and (c), he shall file with the Office of Price Administration in Washington, D. C., an application for authorization of a method to determine his maximum price. This application shall set forth:

(1) A description in detail of the commodity for which a maximum price is sought.

(2) A statement of the facts which differentiate such commodities from other commodities sold or offered during the applicable specified base period.

(3) Comparative cost sheets showing the build-up of manufacturer's raw material costs, applicable conversion charges, and margin, for both the item which is to be priced and the nearest comparable item sold or offered during the applicable specified base period. Those elements of raw material costs, or applicable conversion charges which differ as between the items thus submitted, shall be described in sufficient detail to justify the difference of such elements.

* Copies may be obtained from the Office of Price Administration.

§ 1347.22 *Definitions.* (a) When used in this Maximum Price Regulation No. 129 the term:

(25) "Applicable conversion charges" means the charges covering the normal operations used in producing the commodities or supplying the service to be priced.

(26) "Assembly" means the putting together of component parts of a commodity, or commodities, by such means as gluing, taping, covering, stitching, pasting, typing or otherwise fabricating.

(27) "Commodities of the same general class" means commodities made of essentially the same raw materials and requiring essentially the same hand or machine conversion processes.

(28) "Comparable commodity or service". (i) A "Comparable commodity" is one that is closely comparable by grade, cost and quantities of raw materials for a unit of the commodity and is most nearly alike for the converting operation required.

(ii) A "Comparable service" is one which has the same use and purpose and involves approximately the same operation.

(29) "Hand and/or machine operations". (i) "Hand operations" means the manufacturing processes including, but not limited to, fabrication, assembly, marking and packing, which require only the use of hand tools.

(ii) "Machine operations" means the manufacturing processes including, but not limited to, fabrication, assembly, marking and packing, which require the use of mechanical devices.

(30) "Hourly, piece and setting-up rates". (i) "Hourly rates" means the highest rate per hour for labor, machine, machine overhead, and other manufacturing expenses as established for estimating purposes during the applicable specified base period.

(ii) "Piece rates" means the highest rate per numerical unit for labor, machine, machine overhead and other manufacturing expenses as established for estimating purposes during the applicable specified base period.

(iii) "Setting-up rates" means the highest rate of the preparation of a machine for a particular conversion operation including such procedures as adjustment of feeding and receiving devices, installation of proper printing plates, cutting knives or creasing bars, and cleaning the machine after the completion of the conversion operation as established for estimating purposes during the applicable specified base period.

(31) "Margin" means the difference between the total of the factors set forth in (b) (1) and (2) of this section (raw material costs and applicable conversion charges) and selling price f. o. b. shipping point.

(32) "Applicable specified base period" refers to the dates mentioned in § 1347.11, which are either October 1-15, 1941, inclusive, or December 1-15, 1941, inclusive.

§ 1347.25 *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§ 1347.11a, § 1347.22 (a) (25), (26), (27), (28), (29),

(30), (31) and (32)) to Maximum Price Regulation No. 129 shall become effective October 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10011; Filed, October 7, 1942; 11:33 a. m.]

PART 1350—EMERGENCY CIVILIAN DEFENSE MATERIALS AND EQUIPMENT

[Maximum Price Regulation 234]
APPROVED STIRRUP PUMPS

A statement of considerations involved in the issuance of this regulation has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1¹ issued by the Office of Price Administration, Maximum Price Regulation No. 234 is hereby issued.

AUTHORITY: §§ 1350.51 to 1350.63, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1350.51 *Applicability of this Maximum Price Regulation No. 234.* This Maximum Price Regulation No. 234 applies only to stirrup pumps manufactured under purchase orders from Defense Supplies Corporation, according to specifications approved by the Office of Civilian Defense.

§ 1350.52 *Prohibition against dealing in approved stirrup pumps at prices above maximum prices.* On and after October 13, 1942, regardless of any contract or other obligations, no person is permitted to sell or deliver an approved stirrup pump at a price higher than the maximum price fixed by this Maximum Price Regulation No. 234 and no person is permitted to buy or receive an approved stirrup pump in the course of trade or business at a price higher than the maximum price.

§ 1350.53 *Maximum prices for sales of approved stirrup pumps in the Continental United States.* (a) Maximum prices for sales or deliveries of approved stirrup pumps in the Continental United States are as follows:

Name of manufacturer	Factory price	Wholesale price	Higher retail price	Lower retail price
The Oakes Mfg Co., Tipton, Ind.	\$1.96	\$2.41	\$3.45	\$3.10
Tennessee Stove Works, Chattanooga, Tenn.	1.98	2.43	3.50	3.15
Independent Lock Co., Fitchburg, Mass.	2.18	2.63	3.80	3.40
Standard Container Inc., Rockaway, N. J.	1.86	2.31	3.30	3.00

*Copies may be obtained from the Office of Price Administration.
17 F.R. 971, 3663, 6967.

(b) The price listed under "factory price" in paragraph (a) is the maximum price for sales by the named manufacturer to all classes of purchasers, including municipalities and local defense councils. The price is f. o. b. factory.

(c) The price listed under "wholesale price" in paragraph (a) is the maximum price for:

(1) Sales by a person other than the manufacturer to purchasers for resale, including retailers.

(2) Sales to all classes of purchasers by a jobber or wholesaler who does not customarily sell to ultimate consumers other than industrial or commercial users except as an accommodation.

(3) Sales to ultimate consumers by a municipality or defense council.

The "wholesale price" shall be a delivered price.

(d) The price listed under "lower retail price" in paragraph (a) is the maximum price for all sales to an ultimate consumer by a person who buys directly from the manufacturer, other than sales to which the "wholesale price" is applicable. A sale through a retail establishment by a person who maintains separate wholesale and retail establishments shall be deemed to be a "sale by a person who buys directly from the manufacturer", regardless of the fact that the purchase from the manufacturer is made by the wholesale establishment.

(e) The price listed under "higher retail price" in paragraph (a) is the maximum price for all sales except those for which a lower maximum price is established by the above paragraphs of this § 1350.53.

§ 1350.54. *Maximum prices for sales of the approved stirrup pumps in the territories and possessions.* For a sale or delivery of an approved stirrup pump in a territory or possession of the United States, the maximum price shall be as follows:

(a) For the following sales by persons who import the stirrup pumps from the Continental United States, the maximum price is the seller's direct cost plus \$40:

(1) Sales to a purchaser for resale.
(2) Sales to all classes of purchasers by a jobber or wholesaler who does not customarily sell to ultimate consumers other than industrial or commercial users except as an accommodation.

(3) Sales to an ultimate consumer by a municipality or defense council.

The price shall be a delivered price.

(b) For a sale by a retailer of a stirrup pump imported from the Continental United States by him or by the wholesaler from whom he buys the maximum price is the seller's direct cost plus \$1.25, adjusted upward to the nearest nickel.

(c) For all sales other than those for which maximum prices are established by paragraphs (a) and (b) of this § 1350.54, the maximum price is the price paid by the seller.

§ 1350.55 *Credit charges.* The maximum prices established by this Maximum Price Regulation No. 234 shall not be increased by any charge for the extension of credit other than retailers' customary carrying charges for credit to the extent

that they were stated and charged separately in the past.

§ 1350.56 *Taxes.* As to any tax upon, or incidental to, the sale or delivery of an approved stirrup pump, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, if the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1350.57 *Retail price labels.* Before the delivery to any purchaser for resale of an approved stirrup pump, except a pump that is to be exported to a territory or possession, the manufacturer must attach securely to such pump so that it is clearly visible a durable tag containing in easily readable lettering the statement in the following form:

The Office of Price Administration has established a retail ceiling price of \$— for this stirrup pump. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

Tags attached to pumps sold directly to retailers, by manufacturers, shall state the price designated in § 1350.53 (a) as the lower retail price. Tags attached to pumps sold by manufacturers to wholesalers or jobbers shall state the price designated as the higher retail price. Tags attached to pumps sold by manufacturers to municipalities and defense councils shall state the price designated as the wholesale price.

A person customarily selling at both wholesale and retail must re-mark the tags on those pumps, purchased directly from the manufacturer, which he sells to ultimate consumers, so that the tags will state the "lower retail price".

§ 1350.58 *Relation between Maximum Price Regulation No. 234, the General Maximum Price Regulation,² and Maximum Price Regulations Nos. 188,³ 194,⁴ and 201.⁵* (a) The provisions of this Maximum Price Regulation No. 234 supersede the provisions of the General Maximum Price Regulation and Maximum Price Regulations Nos. 188, 194, and 201 with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 234, except as otherwise provided in paragraph (b) of this § 1350.58. However, the seller must comply with the following provisions, which are identical, except for appropriate changes in dates and terminology, with the sections of the General Maximum Price Regulation having the same heading:

(1) *Sales for export.* The maximum price at which a person may export an approved stirrup pump shall be determined in accordance with the provisions

of the Revised Maximum Export Price Regulation.

(2) *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the article sold, and the price received for it.

(3) *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 234 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 234 selling at wholesale or retail an approved stirrup pump. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

§ 1350.59 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 234 may be charged, demanded, paid, or offered.

§ 1350.60 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 234 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to the approved stirrup pumps, alone or in conjunction with any other commodity, by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1350.61 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 234 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 234 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1350.62 *Definitions.* (a) When used in this Maximum Price Regulation No. 234 the term:

(1) "Continental United States" means the forty-eight states and the District of Columbia.

(2) "Direct cost to the seller" means the price which the seller paid, less discounts allowed to the seller, plus all costs of shipment to the seller actually incurred by him: *Provided*, That in computing the costs of shipment incurred by

the seller, war risk insurance costs shall not exceed the amount represented by the charge for war risk insurance by the War Shipping Administration on an identical shipment.

(3) "A sale in a territory or possession of the United States" does not include sales from a seller outside of a territory or possession to a purchaser in the territory or possession. Export sales, from a seller in the Continental United States to a purchaser in a territory or possession of the United States, shall be governed by the maximum prices established for export sales by the Revised Maximum Export Price Regulation.

(b) Unless the context otherwise requires, the definitions set forth in the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1350.63 *Effective date.* This Maximum Price Regulation No. 234 (§§ 1350.51 to 1350.63, inclusive) shall become effective October 13, 1942.

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10013; Filed, October 7, 1942; 11:32 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[Amendment 10 to Revised Price Schedule 53¹]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (8) of paragraph (b) of § 1351.151 is amended to read as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(8) *Lard.* On and after October 13, 1942, subparagraphs (1) to (5), both inclusive, and subparagraph (7) of this paragraph (b) shall have no application to lard and the maximum prices thereof shall be computed as follows:

(i) *Chicago and East St. Louis basing points area.* This area shall include that part of the continental United States east of the Mississippi River and north of the northern boundaries of Tennessee and North Carolina. Chicago and East St. Louis basing points maximum prices:

(a) Loose lard, 12.80 cents per pound, in tank cars, delivered within corporate limits of basing points.

(b) Base or standard commercial refined lard, 14.55 cents per pound, in tierces, delivered within corporate limits of basing points.

(1) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 12.80 cents per pound, plus the tank-car freight rate per pound

* Copies may be obtained from the Office of Price Administration.

¹ F. R. 1309, 1836, 2132, 2439, 3821, 4223, 4224, 4484, 5595, 7695, 7696.

² 7 F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758.

³ 7 F. R. 5872.

⁴ 7 F. R. 5909, 6268, 6744.

⁵ 7 F. R. 6269, 6744.

on loose lard from the nearest basing point in the area to the community of sale. No other charges may be added to this delivered price.

(2) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 14.55 cents per pound, plus the packing house product freight rate, tare added, between the nearest basing point and the community of sale. No other charges may be added to this delivered price.

(ii) *Kansas City basing point area.* This area shall include that part of the continental United States east of the Mississippi River and south of the southern boundaries of Kentucky and Virginia. Kansas City basing point maximum prices:

(a) Loose lard, 12.55 cents per pound, in tank cars, delivered within corporate limits of Kansas City.

(b) Base or standard commercial refined lard, 14.30 cents per pound, in tierces, delivered within corporate limits of Kansas City.

(1) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area shall be 12.55 cents per pound, plus the tank-car freight rate per pound on loose lard from the basing point for this area to the community of sale. No other charges may be added to this delivered price.

(2) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area shall be 14.30 cents per pound, plus the packing house product freight rate, tare added, between the basing point and the community of sale. No other charges may be added to this delivered price.

(iii) *Multiple basing point area.* This area shall include that part of the continental United States west of the Mississippi River. Basing points shall be as follows:

Iowa: Cedar Rapids, Davenport, Des Moines, Dubuque, Fort Dodge, Marshalltown, Mason City, Ottumwa, Waterloo.

Minnesota: Albert Lea, Austin, Duluth, South St. Paul, St. Paul, Winona.

Missouri: Joplin, Kansas City, South St. Joseph, Springfield.

Nebraska: South Omaha, Omaha.

Maximum prices at each of these basing points shall be as follows:

(a) Loose lard, 12.55 cents per pound, in tankcars, delivered within corporate limits of basing points.

(b) Base or standard commercial refined lard, 14.30 cents per pound, delivered within corporate limits of basing points.

(1) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 12.55 cents per pound, plus the tankcar freight rate per pound on loose lard from the nearest basing point in the area to the community of

sale. No other charges may be added to this delivered price.

(2) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 14.30 cents per pound, plus the packing house products freight rate, tare added, between the nearest basing point and the community of sale. No other charges may be added to this delivered price.

(iv) To determine his maximum price for lard other than loose lard or base or standard commercial refined lard in tierces, the processor should determine his maximum price for base or standard commercial refined lard in tierces, in accordance with this schedule, and to this figure add no more than, or subtract at least the quality differentials hereinafter set forth for the appropriate type of lard, irrespective of area, quantity, or type of package:

Prime steam-----	¾ cent per pound under base or standard commercial refined lard.
Rendered pork fat..	1 cent per pound under base or standard commercial refined lard.
Refined rendered pork fat.	¼ cent per pound under base or standard commercial refined lard.
Base or standard commercial refined lard.	None.
Special refined hardened lard.	¼ cent per pound over base or standard commercial refined lard.
Open kettle rendered lard.	½ cent per pound over base or standard commercial refined lard.
Neutral lard-----	1 cent per pound over base or standard commercial refined lard.
Lard flakes-----	1½ cents per pound over base or standard commercial refined lard.
Rendered pork fat flakes.	1½ cents per pound over rendered pork fat.

(v) To determine his maximum price for lard sold in other than tierces, the processor should first compute his maximum price for the particular type of lard involved, in accordance with the above provisions of this schedule, then, to this figure he may add a sum equal to, but no more than, the differential hereinafter set forth for the appropriate type of package, irrespective of area, quantity or quality:

	Cents per lb.
Tierces-----	None.
400 pound nonreturnable steel drums.	None.
120 pound nonreturnable steel drums.	None.
57 pound tubs-----	None.
65 pound hardwood tubs-----	½
50 pound tins-----	¼
25 pound tins-----	½
20 pound tins-----	1
16 pound tins-----	1
20 pound wooden pails-----	1
8 pound tins-----	1
4 pound tins-----	1¼
8 pound cartons-----	¾
4 pound cartons-----	¾
2 pound cartons-----	¾
1 pound cartons-----	¾

(vi) If a processor sells lard in a type of package not listed in (v) above, his

maximum price for lard sold in such type of package shall be his maximum price for the particular type of lard involved, in accordance with this schedule, plus the usual or normal differential for such type of package.

(vii) The maximum price for cash lard shall be 13.80 cents per pound, Chicago basis, and the maximum price for lard futures contracts traded on the Chicago Board of Trade shall be 13.80 cents per pound.

(viii) The maximum price for F. S. C. C. lard shall be 14.25 cents per pound, Chicago processor's plant, in export boxes, and shall be subject to such zone differentials for other areas as are established by F. S. C. C. regulations.

(ix) Where a processor operates a branch house from which lard products are distributed and manufactures no lard at such branch, the maximum delivered price at which such branch house may sell a particular lard commodity shall be the processor's maximum delivered price at the community of sale on such lard commodity, as established by this schedule, plus ¾ cent per pound.

(x) Where a branch house processes lard, it should compute its maximum price on such lard in the same manner as any other processor, in accordance with the provisions of this schedule.

(xi) Where a processor sells through car-route, the maximum price on any particular lard commodity shall be the processor's maximum delivered price at the community of sale on such lard commodity, as established by this schedule, plus ¾ cent per pound.

(xii) *Definitions.* When used in §1351.151 (b) (8) of Revised Price Schedule No. 53, the term:

(a) "Loose lard" means lard conforming with paragraph 29, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture regardless of rendering method and not refined or packaged.

(b) "Prime steam lard" shall be considered the same as loose lard both as to definition and price consideration except that it shall be rendered in steam tanks.

(c) "Cash lard" means prime steam lard in tierces conforming with the requirements of paragraph 1479, pages 183-184, of the Rules and Regulations of Board of Trade of City of Chicago, March 8, 1941.

(d) "Rendered pork fat" means those rendered edible pork fats, regardless of rendering method, not eligible for lard as such, in accordance with paragraph 30, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture.

(e) "Refined rendered pork fat" means rendered pork fat, as defined above, regardless of rendering method used in processing such pork fats, refined under standard commercial practice to conform to the following specifications:

Moisture—not to exceed 0.3% as tested by the vacuum oven method of the Association of Official Agricultural Chemists.

Suspended matter—shall be free from appreciable amounts of suspended matter.

F. F. A.—not to exceed 0.5%, as tested by method of the Association of Official Agricultural Chemists.

Taste and odor—shall be mild, sweet and normal.

Stability—not less than three hours as determined by active oxygen method. (King, Roschen & Irwin, Oil and Soap 10, 105, June, 1933.)

(f) "Base or standard commercial refined lard" means that kind of lard produced from loose lard, regardless of rendering method used in making the loose lard, and refined under standard commercial practice to conform to the following specifications:

Moisture—not to exceed 0.3%. (Same test as above.)

Suspended matter—shall be free from appreciable amounts of suspended matter.

F. F. A.—not to exceed 0.5%. (Same test as above.)

Taste and odor—shall be mild, sweet and normal for pure lard.

Stability—not less than three hours as determined by active oxygen method.

Plasticity—shall remain solid and be plastic and workable at ordinary temperatures.

(g) "Special refined hardened lard" means lard which conforms to the requirements of base or standard commercial refined lard, as above defined, with the addition of a minimum of 8% lard flakes which have a minimum titre of 57° C. and shall conform to the following specifications:

Moisture—not to exceed 0.2%. (Same test as above.)

Suspended matter—shall be free from appreciable amounts of suspended matter.

F. F. A.—not to exceed 0.5%. (Same test as above.)

Taste and odor—shall be mild, sweet and normal for pure lard.

Stability—not less than three hours as determined by active oxygen method.

Melting point—not less than 45° C., as tested by Wiley Method of the Association of Official Agricultural Chemists.

(h) "Open kettle rendered lard" means that kind of lard which is produced from 100% leaf fat or any mixture of leaf fat and back fat down to a minimum of 40% leaf fat, and is kettle rendered in a regular commercial manner to conform to the following specifications:

Moisture—not to exceed 0.3%. (Same test as above.)

Suspended matter—shall be free from appreciable amounts of suspended matter.

F. F. A.—shall be less than 0.5%. (Same test as above.)

Taste and odor—shall have a characteristic kettle rendered flavor.

Stability—not less than five hours as determined by active oxygen method.

Plasticity—shall remain solid and be plastic and workable at ordinary temperatures.

(i) "Neutral lard" means that kind of lard from fresh chilled leaf fat only, rendered at a temperature not exceeding 130° F., to conform to the following specifications:

Moisture—not to exceed 0.3%. (Same test as above.)

Suspended matter—shall be free from appreciable amounts of suspended matter.

F. F. A.—not to exceed 0.5%. (Same test as above.)

Taste and odor—shall be neutral in flavor. Stability—not less than ten hours as determined by active oxygen method.

(j) "Lard flakes" means hydrogenated lard which conforms with paragraph 29, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture. The titre shall not be less than 57° C. and free fatty acid shall not exceed 0.2%.

(k) "Rendered pork fat flakes" means hydrogenated rendered pork fat conforming to paragraph 30, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture.

(l) "F. S. C. C. lard" means lard prepared in conformity with specifications established and commercially accepted for such lard.

§ 1351.159 *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§ 1351.151 (b) (8)) to Revised Price Schedule No. 53 shall become effective October 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10018; Filed, October 7, 1942; 11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 87 Under § 1499.3 (b) of General Maximum Price Regulation]

THE NEW CAN COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.951 *Approval of maximum prices for sales of gallon black iron pails by The New Can Company, Inc.* (a) The New Can Company, Inc., of Malden, Massachusetts, may sell and deliver, and any person may buy and receive from the New Can Company, Inc., gallon black iron pails at an amount not in excess of a maximum price which shall be determined by adding to the maximum selling price at which its old type of tinplate or terneplate pails were delivered in March, 1942, the excess of the direct cost of the manufacture of the new pails over the direct cost of the manufacture of the old pails based upon the March, 1942, direct cost of manufacturing the two types.

(b) This Order No. 87 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 87 (§ 1499.951) shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10019; Filed, October 7, 1942; 11:31 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

VESSLS ENGAGED IN BUSINESS CONNECTED WITH THE CONDUCT OF THE WAR

ORDER REVOKING PREVIOUS ORDERS, ETC.

Revoking orders, dated 6 March, 1942, and substituting therefor an order waiving compliance with the provisions of the Navigation and Vessel Inspection laws, administered by the United States Coast Guard to the extent and in the manner that the Commandant of the United States Coast Guard shall find to be necessary in the conduct of the war.

The orders of the Secretary of the Navy (F.R. Doc. 42-2742 and 2743) dated 6 March, 1942, published in the FEDERAL REGISTER 31 March, 1942 (7 F. R. 2477) are hereby revoked and the following is substituted therefor:

By virtue of the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress, 2d Session), I hereby waive compliance with the Navigation and Vessel Inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war.

JAMES FORRESTAL,
Acting Secretary of the Navy.

OCTOBER 1, 1942.

[F. R. Doc. 42-8333; Filed, October 7, 1942; 10:38 a. m.]

Subchapter F—Marine Engineering

PART 55—PIPING SYSTEMS

AMENDMENT TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 161, 4405, 4417a, 4418, 4426, 4433, 4488, 4491, as amended, 49 Stat. 1544 (5 U.S.C. 22, 46 U.S.C. 375, 391a, 392, 404, 411, 481, 489, 367) and Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1603), the following amendment to the Inspection and Navigation Regulations and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Section 55.19-15 (d) is amended to read as follows:

§ 55.19-15 *Oil transfer and filling systems.* * * *

(d) Filling pipes may be led directly from the deck into the tanks, or to a manifold in an accessible location from which the oil can be distributed to the various tanks through branch pipes or the tank suction.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Davits

Wellin sheath screw straight boom davit, Type A-66 (maximum working load of 4,000 pounds per arm) (Arrangement Dwg. No. 2260, dated 29 April 1942), submitted by Wellin Davit & Boat Corp., Perth Amboy, N. J.

Wellin sheath screw straight boom davit, Type A-7 (maximum working load of 3,500 pounds per arm) (Arrangement Dwg. No. 1967, dated 14 April 1941), manufactured by Wellin Davit & Boat Corp., Perth Amboy, N. J.

Disengaging Apparatus for Lifeboats

Gunderson Bros. lifeboat disengaging apparatus (maximum load of 4,750 pounds per hook) (Dwg. No. D-10-3, dated 25 March 1942), manufactured by Gunderson Bros., Portland, Oreg.

Life Rafts

10-person life raft, Type CSS (Dwg. No. 506, dated 22 July 1942), submitted by Tregoning Boat Co., Seattle, Wash.

18-person catamaran type life raft "Buck Win" (Dwg. No. 100-A, dated August 1942), submitted by Buckler-Merwin Company, Portland, Oreg.

Life Floats

Steel life floats, Model Nos. 25-B (25-person), 40-B (40-person), 60-B (60-person) (Dwg. No. 1712, dated 1 September 1942); and Model No. 60-A (60-person) (Dwg. No. 1719, dated 6 July 1942); submitted by L. A. Young Spring and Wire Corp., Oakland, Calif.

15-person rectangular balsa wood life float (Dwg. dated 11 July 1942), manufactured by General Store Equipment Corp., New York, N. Y.

Life Preservers

Adult quilted type kapok life preserver (Dwg. No. 201, dated 31 August 1942), Approval No. B-169, submitted by R. L. Morey Co., Inc., New York, N. Y.

Navy Standard adult kapok life preserver (Dwg. No. 10, dated 15 September 1942), Approval No. B-168, submitted by Grand Novelty Co., New York, N. Y.

Thread for Life Preservers

10/4, natural, glazed finish cotton thread, manufactured by John C. Meyer Thread Co., Lowell, Mass.

Lifesaving Suits

Universal lifesaving suit, Model LSS-2, submitted by Universal Life-Suit Co., Los Angeles, Calif.

Flashlights for Lifeboats

Rub-R-Lite Flashlight, three-cell type, submitted by William M. Lennan, Inc., Los Angeles, Calif.

Chemical Heating Pads

Everhot chemical heating pad, manufactured by Everhot Chemical Corp., Newark, N. J.

Master Hot chemical heating pad, manufactured by Master Hot Pad Company, Pittsburgh, Pa.

Luminous Cloth or Tape for Marking Interior Accommodations, etc.

Conti-Glo Type P-12 luminous cloth or tape, manufactured by Conti-Glo Division, Continental Lithograph Corp., 952 E. 72nd St., Cleveland, Ohio.

Type P1-12 Blue luminous cloth or tape, manufactured by E. P. Lynch, Inc., Providence, R. I.

Oil Cleansing Solutions

Orvus (5% solution) oil cleansing solution, manufactured by Procter & Gamble, Inc., Cincinnati, Ohio.

Ninol-737 (2% solution) oil cleansing solution, manufactured by Ninol Laboratories, 510 Dearborn Street, Chicago, Ill.

Redesignation of Type Numbers for Life Preservers

10-A-#1 adult kapok life preserver, Approval No. B-157, manufactured by Colvin-Slocum Boats, Inc., is redesignated as Type CS-1.

10-A-#2 adult kapok life preserver, Approval No. B-158, manufactured by Colvin-Slocum Boats, Inc., is redesignated as Type CS-2.

R. R. WAESCHE,
Commandant.

[F. R. Doc. 42-10000; Filed, October 7, 1942;
10:38 a. m.]

Chapter IV—War Shipping Administration

[General Order 8, (Revised), Supp. 7]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

VESSELS INCLUDED UNDER TIME CHARTER RATES

Section 302.12 of General Order No. 8 (Revised)¹ is hereby amended to read as follows:

§ 302.12 *Vessels included.* Time charter rates herein prescribed are applicable to all American-flag self-propelled ocean-going iron and steel dry cargo vessels chartered under terms and conditions of (a) charter parties tendered by the War Shipping Administration to owners of such vessels pursuant to the provisions of sec. 902 of the Merchant Marine Act, 1936, as amended, and (b) charter parties entered into between vessel owners and any other agency or department of the United States when such charters provide that the rates or conditions specified therein are subject to adjustment or alteration in accordance with orders, directions, rules or regulations of the United States Maritime Commission or the War Shipping Administration, *except:*

- (1) Vessels with refrigerated capacity in excess of 50% of total capacity.
- (2) Combination passenger and freight vessels.
- (3) Car ferries.
- (4) Seatrains.

¹ 7 F.R. 4592, 6543.

(5) Vessels which are not classed A-1 American Bureau of Shipping, or equivalent.

(6) Vessels of less than 8 knots of speed determined in accordance with General Order No. 10.¹

(7) Vessels of less than 1,000 tons deadweight.

(8) Tankers.

(9) Other vessels excepted from this order by the Administrator from time to time.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

OCTOBER 6, 1942.

[F. R. Doc. 42-10005; Filed, October 7, 1942;
11:09 a. m.]

[General Order 8 (Revised), Supp. 1-B]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

VESSELS INCLUDED UNDER TIME CHARTER RATES

Section 302.17 of General Order No. 8 (Revised), Supplement No. 1,² is hereby amended to read as follows:

§ 302.17 *Vessels included.* Time charter rates herein prescribed are applicable to all American-flag self-propelled ocean-going iron and steel tank vessels chartered under terms and conditions of (a) charter parties tendered by the War Shipping Administration to owners of such vessels pursuant to the provisions of sec. 902 of the Merchant Marine Act, 1936, as amended, and (b) charter parties entered into between vessel owners and any other agency or department of the United States when such charters provide that the rates or conditions specified therein are subject to adjustment or alteration in accordance with orders, directions, rules or regulations of the United States Maritime Commission or the War Shipping Administration, *except:*

(1) Vessels which are not classed A-1 American Bureau of Shipping, or equivalent;

(2) Vessels of less than 8 knots of speed determined in accordance with General Order No. 10;¹

(3) Vessels of less than 3,000 tons deadweight; and

(4) Other vessels excepted from this order by the Administrator from time to time.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

OCTOBER 6, 1942.

[F. R. Doc. 42-10008; Filed, October 7, 1942;
11:09 a. m.]

¹ 7 F.R. 3679, 6546.

² 7 F.R. 4954, 6544.

[General Order 9, Supp. 4]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

APPLICABILITY OF INSURANCE VALUATION PROVISIONS

Section 302.28 of General Order No. 9¹ is hereby amended to read as follows:

§ 302.28 *Applicability of insurance valuation provisions.* Insurance valuations prescribed in §§ 302.28 to 302.35, inclusive, of this chapter are applicable to all American-flag self-propelled ocean-going iron and steel dry cargo vessels chartered under terms and conditions of (a) charter parties tendered by the War Shipping Administration to owners of such vessels pursuant to the provisions of sec. 902 of the Merchant Marine Act, 1936, as amended, and (b) charter parties entered into between vessel owners and any other agency or department of the United States when such charters provide that the rates or conditions specified therein are subject to adjustment or alteration in accordance with orders, directions, rules or regulations of the United States Maritime Commission or the War Shipping Administration, except:

(1) Vessels with refrigerated capacity in excess of 50% of total capacity.

(2) Combination passenger and freight vessels.

(3) Car ferries.

(4) Seatrains.

(5) Vessels which are not classes A-1 American Bureau of Shipping, or equivalent.

(6) Vessels of less than 8 knots of speed determined in accordance with §§ 302.44 to 320.46, inclusive,² of this chapter.

(7) Vessels of less than 1,000 tons deadweight.

(8) Vessels constructed pursuant to construction contracts made and entered into subsequent to January 1, 1935.

(9) Other vessels excepted from §§ 302.28 to 302.35, inclusive, of this chapter by the Administrator from time to time.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

OCTOBER 6, 1942.

[F. R. Doc. 42-10020; Filed, October 7, 1942; 11:09 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Revocation of General Order ODT 8]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART A—MOVEMENT OF IRON ORE ON THE GREAT LAKES

By virtue of the authority vested in me by Executive Order No. 8989, dated

¹ 7 F.R. 3679, 6545.

² 7 F.R. 3679, 6546.

December 18, 1941, Subpart A of Part 502, this Title and Chapter of the Code of Federal Regulations, §§ 502.1 to 502.4, inclusive, (General Order O.D.T. No. 8)¹ be, and it is hereby, revoked effective October 19, 1942.

Issued at Washington, D. C. this 7th day of October, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10021; Filed, October 7, 1942; 11:52 a. m.]

[General Order ODT 25]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART H—OPERATION OF VESSELS ON THE GREAT LAKES

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and in order to assure maximum utilization of the facilities, services, and equipment of carriers by water craft on the Great Lakes for the preferential transportation of materials of war and to prevent shortages of equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to expedite the movement and provide for the maximum flow of such traffic; and to conserve and providently utilize the transportation facilities and services of carriers by water craft, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

Sec.

502.75 Definitions.

502.76 Permit required.

502.77 Application for permit.

502.78 Certification of vessels.

502.79 Control of vessels.

502.80 Records and reports.

502.81 Suspension of provisions.

502.82 Exemptions.

502.83 Communications.

502.84 Effective date.

AUTHORITY: §§ 502.75 to 502.84, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 502.75 *Definitions.* As used in this subpart or orders issued hereunder:

(a) The term "person" means any individual, firm, copartnership, corporation, association, governmental corporation, or other type of legal entity, or any trustee, receiver, assignee, or personal representative;

(b) The term "vessel" means any water craft or other artificial contrivance of whatever description which is designed or converted for use, and which is used, or is capable of being used, or is intended to be used, as a means of transportation by water of property other than liquid cargo in bulk, and which is documented under the laws of the United States or owned by a citizen of the United States or which is engaged in transportation by water of property between points and places in the United States;

(c) The term "vessel of the self-unloader belt type" means any vessel equipped with a belt conveyor self-unloading device;

¹ 7 F.R. 3431.

(d) The term "ore type vessel" means any vessel certified by the Office of Defense Transportation as capable of transporting iron ore.

§ 502.76 *Permit required.* No person shall operate any vessel on the Great Lakes except in the transportation of such property, from and to such points and places, as may be authorized by a general or special permit issued by the Office of Defense Transportation.

§ 502.77 *Application for permit.* Application for permit shall be made in writing to the Office of Defense Transportation and shall be in such form and contain such information as the Office of Defense Transportation shall require.

§ 502.78 *Certification of vessels.* The Office of Defense Transportation may, from time to time, determine the type of cargo that any vessel operated on the Great Lakes is capable of transporting and certify such determination by the issuance of a certificate with respect to any such vessel.

§ 502.79 *Control of vessels.* (a) Whenever the Office of Defense Transportation shall deem it advisable, any person having possession or control of any vessel operated on the Great Lakes shall, notwithstanding any contract, charter, lease, or other commitment, express or implied, with respect to the use or operation of such vessel, cause such vessel (1) to be operated in such manner, for such purpose, and between such points and ports, as the Office of Defense Transportation shall from time to time direct, and (2) to be chartered, leased or rented by any such person to such person or persons as the Office of Defense Transportation shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the use of any such vessel, so directed to be chartered, leased, or rented, the amount of such compensation shall be such amount as may be determined by the Office of Defense Transportation to be just and equitable, subject to any applicable maximum price established by any competent government authority.

(b) The provisions of this section shall not be so construed or applied as to require or authorize any person operating a vessel to perform any transportation service, the performance of which by such person is not authorized or sanctioned by law.

§ 502.80 *Records and reports.* Every person owning, chartering, subchartering, leasing, subleasing, loading, unloading, or operating a vessel on the Great Lakes shall keep such records and make such reports as the Office of Defense Transportation shall require.

§ 502.81 *Suspension of provisions.* The provisions of this subpart or any part thereof may be suspended from time to time, by order of the Office of Defense Transportation.

§ 502.82 *Exemptions.* The provisions of this subpart shall not apply:

(a) To the transportation by vessel of property consigned by or to the United

States or any department or agency thereof;

(b) To any vessel owned, controlled, or operated by the United States or any department or agency thereof, except governmental corporations.

§ 502.83 *Communications.* Communications concerning this subpart should be addressed to the Director, Great Lakes Carriers Division, Office of Defense Transportation, 2209 Terminal Tower, Cleveland, Ohio. Such communications should refer to General Order QDT 25.

§ 502.84 *Effective date.* §§ 502.81 and 502.84 hereof shall become effective upon the date of the issuance of this subpart. All other sections and provisions shall become effective October 19, 1942.

Issued at Washington, D. C., this 7th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10023; Filed, October 7, 1942;
11:52 a. m.]

[Suspension Order ODT 25-1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, SUSPENSIONS, AND PERMITS

SUBPART H—OPERATION OF VESSELS ON THE GREAT LAKES

Pursuant to the authority conferred by General Order O. D. T. No. 25, Title 49, Chapter II, § 502.81, *It is hereby ordered, That:*

§ 522.775 *Certain provisions of General Order O. D. T. suspended.* The provisions of § 502.76 of General Order ODT 25 shall be and are hereby suspended until further order with respect to the operation of:

(a) Vessels having a gross register tonnage of less than one thousand tons;

(b) Vessels in connection with the transportation of iron ore;

(c) Vessels in connection with the transportation of coal which is now subject to the provisions of General Order ODT 9;¹

(d) Vessels in connection with the transportation of coke;

(e) Vessels, other than ore type vessels, in connection with the transportation of iron and steel scrap loaded in any such vessel at Duluth, Minnesota;

(f) Vessels, other than vessels of the self-unloader belt type, in connection with the transportation of blast furnace fluxstone or open hearth stone, intended for use in the manufacture of iron or steel;

(g) Vessels, other than vessels of the self-unloader belt type, in connection with the transportation of limestone intended for use in the manufacture of chemicals;

(h) Vessels, other than ore type vessels or vessels of the self-unloader belt

type, in connection with the transportation of property in packages or containers.

§ 522.776 *Effective date.* This suspension order shall become effective on the 19th day of October, 1942, and shall remain in full force and effect until further order.

Issued at Washington, D. C., this 7th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10023; Filed, October 7, 1942;
11:52 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-227]

BOEHMAN BROTHERS

CEASE AND-DESIST ORDER, ETC.

In the matter of Albert M. Boehman and Joseph J. Boehman, individually and as co-partners, doing business under the name and style of Boehman Brothers.

Order approving and adopting proposed findings of fact, proposed conclusions of law, and recommendation of the examiner, and cease and desist order.

A complaint pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on March 4, 1942, by District Board No. 11, alleging that Albert M. Boehman and Joseph J. Boehman, individually and as co-partners, doing business under the name and style of Boehman Brothers, a code member in District No. 11, operating the Boehman No. 2 Mine (Mine Index No. 592), wilfully violated the provisions of the Bituminous Coal Code of 1937 and the Rules and Regulations thereunder. Complainant prayed that the Division either cancel and revoke the Boehman Brothers' code membership, or in its discretion direct the Defendant to cease and desist from further violations of the Code and the Rules and Regulations thereunder;

A hearing having been held on April 22, 1942, before Joseph D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof in Vincennes, Indiana;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated August 20, 1942, recommending that an order be entered directing the code members to cease and desist from violations of the Code and the Rules and Regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions and supporting briefs having been filed;

The undersigned having considered this matter and having determined that the proposed findings of fact and pro-

posed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact, proposed conclusions of law of the Examiner be, and they hereby are, adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That the code member, Albert M. Boehman and Joseph J. Boehman, individually and as co-partners, doing business under the name and style of Boehman Brothers, as partners and as individuals, their representatives, agents, servants, employees, attorneys and all persons acting or claiming to act for or in their behalf or interest, cease and desist, and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, or any rules and regulations promulgated thereunder, the Bituminous Coal Code, or any provisions thereof.

It is further ordered, That the Division may, upon the failure of the code members herein to comply with this order, apply to the Circuit Court of Appeals of the United States within any circuit where they carry on business for enforcement thereof, or take any other appropriate action.

Dated: October 6, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10002; Filed, October 7, 1942;
11:04 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

WISCONSIN—INDIANA

DESIGNATION OF COUNTIES FOR LOANS

Designation of localities in counties in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION II—WISCONSIN

Columbia County: Locality I—Consisting of the towns of Arlington, Columbus, Courtland, Fountain Prairie, Hampden, Leeds, and Randolph; the villages of Cambria, Fall River, and Randolph; and the city of Columbus; \$10,020.

¹ *Supra.*

² 7 F.R. 3905.

Locality II—Consisting of the towns of Caledonia, Dekorra, Fort Winnebago, Lewiston, Lowville, Lodi, Marcellon, Newport, Otsego, Pacific, Scott, Springvale, West Point, and Wyocena; the villages of Doylestown, Lodi, Pardeeville, Poynette, Rio, and Wyocena; and the cities of Portage and Wisconsin Dells; \$6,938.

REGION III—INDIANA

Jackson County: Locality I—Consisting of Jackson, Hamilton, and Redding townships; \$9,799.

Locality II—Consisting of Brownstown, Washington, and Driftwood townships; \$7,604.

Locality III—Consisting of Grassy Fork and Vernon townships; \$4,298.

Locality IV—Consisting of Carr, Owen, Salt Creek, and Pershing townships; \$2,448.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved: October 1, 1942.

C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-9989; Filed, October 6, 1942;
3:35 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-262]

MEMPHIS NATURAL GAS COMPANY

ORDER POSTPONING HEARING

October 6, 1942.

The Department of Public Utilities of the State of Arkansas, complainant, v. Memphis Natural Gas Company, defendant.

Upon application filed October 5, 1942, by defendant, Memphis Natural Gas Company, for postponement of the hearing set in the above entitled matter;

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing herein;

The Commission orders, That: The hearing in the above entitled matter, heretofore set for October 12, 1942, at 10:00 a. m., in Room 521 Federal Building at Little Rock, Arkansas, be and it is hereby postponed to October 26, 1942, at the same time and place.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-10001; Filed, October 7, 1942;
11:00 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under Revised Price Schedule 28—
Ethyl Alcohol—Docket GF3-1015]

GULF DISTILLING CORPORATION

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 28 or in the General Maximum Price Regulation, Gulf Distilling Corporation, of Gretna, Louisiana, may sell and deliver ethyl alcohol of 188 proof or higher, of any formulae thereof, including pure ethyl alcohol, produced from molasses, and the Defense Supplies Corporation, Washington, D. C., a corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended, may buy such ethyl alcohol, at prices not in excess of those set forth below:

8.525 per wine gallon, f. o. b. plant.

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 2 under Revised Price Schedule No. 28 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 2 under Revised Price Schedule No. 28 shall become effective October 7, 1942 and shall operate retroactively from August 1, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9969; Filed, October 6, 1942;
3:11 p. m.]

[Order 4 Under § 1381.160 (e) of Maximum
Price Regulation 161—West Coast Logs]

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them \$1.00 per 1,000 ft., log scale:

Gray Logging Company, Seaside, Oregon.
A. W. Salmon, Aberdeen, Washington.
Rockaway Logging Company, Rockaway, Oregon.
Bloedel Donovan Lumber Mills, Bellingham, Washington.
Hutchins & Hutchins, Foster, Oregon.
Elk Creek Logging Company, Foster, Oregon.
Simonsen Logging Company, Carcadia, Oregon.
Peterman Mfg. Company, Tacoma, Washington.
Mist Logging Company, Grand Ronde, Oregon.
Pacific Logging Company, Taft, Oregon.
Sharp Logging Company, Molalla, Oregon.

(b) The following persons being on a 54-hour week may add to the maximum prices of all logs produced by them \$1.50 per 1,000 ft., log scale:

Murphy Timber Company, Portland, Oregon.

C & H Logging Company, Elsie, Oregon.
C & H Logging Company, Mehama, Oregon.
Pugent Sound Pulp & Timber Co., Bellingham, Washington.
DeGroot Logging Company, Bremerton, Washington.
A. E. Wilson, Portland, Oregon.
M. E. Wilson, Portland, Oregon.
C. P. Yates Logging Company, Seaside, Oregon.

(c) The additions to maximum prices specified in paragraphs (a) and (b) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) (2) of Maximum Price Regulation 161.

(d) This Order No. 4 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(e) This Order No. 4 to Maximum Price Regulation 161 shall become effective this 7th day of October 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9975; Filed, October 6, 1942;
3:05 p. m.]

[Order 1 Under § 1389.118 (c) of Maximum
Price Regulation 177—Men's and Boys'
Tailored Clothing—Docket 3177-1]

JOSEPH H. COHEN AND SONS VANITY
CLOTHES, INC.

ORDER ADJUSTING MAXIMUM PRICES

An opinion in support of this order is issued simultaneously herewith and filed with the Division of the Federal Register. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and pursuant to Procedural Regulation No. 1 and § 1389.118 (c) of Maximum Price Regulation 177, *It is hereby ordered:*

(a) Joseph H. Cohen and Sons Vanity Clothes Inc. of 71 Fifth Avenue, New York, New York, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver the garments of men's and boys' tailored clothing set forth in paragraph (b) of this order at prices not in excess of the prices prescribed by that paragraph. Any person may buy and receive, and agree, offer, solicit, and attempt to buy and receive such garments at such prices from Joseph H. Cohen and Sons Vanity Clothes Inc.

(b) (1) The garments which may be sold pursuant to this order are men's and boys' suits made from the specific pieces of goods, purchased by Joseph H. Cohen and Sons Vanity Clothes Inc. before July 11, 1942, which are listed in paragraph (d) of this order by mill of origin, fabric name or lot number, total yardage and price paid.

(2) The maximum price for any garment sold pursuant to this order, referred to as the "new garment," shall be determined as set forth below:

(i) Find that group of garments, similar to garments which the seller booked during the base period, which has the highest current cost; this group is re-

ferred to as the "seller's highest price line."

(ii) Find the maximum price of the seller's highest price line.

(iii) Add to the maximum price of the seller's highest price line whichever is the lower of the following:

(a) The difference between the actual cost of the principal material used in garments in the seller's highest price line, and the actual cost of the principal material used in the new garment; or

(b) The difference between the total current cost of garments in the seller's highest price line, and the total current cost of the new garment.

The result is the maximum price of the new garment under this order.

(c) This order does not authorize any person other than Joseph H. Cohen and Sons Vanity Clothes Inc. to sell at prices in excess of the maximum prices established by Maximum Price Regulation 177, and shall not be made the basis for any application for adjustment or amendment by any person who buys or receives garments sold pursuant to this order.

(d) With respect to the garments affected by this order, Joseph H. Cohen and Sons Vanity Clothes Inc. shall be subject to the reporting requirements of Maximum Price Regulation 177 and shall file such other reports, and answer such other inquiries, as the Office of Price Administration, or any duly authorized officer thereof, may from time to time require.

(e) All relief requested by Joseph H. Cohen and Sons Vanity Clothes Inc. in its petition 3177-1, which is not granted by this order, is denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires, the definitions set forth in § 1389.119 of Maximum Price Regulation 177 shall apply to terms used in this order.

(h) This order shall become effective October 10, 1942, and shall expire on March 31, 1943.

(i) List of materials:

Mill	Fabric	Yardage	Price
San Ildefonso	Gabardina	1,847	3.248
	Popotillo	3,377	5.012
	Boston	3,848	3.877
	Londres	78	4.016
	San Ildefonso	24,530	3.88
	Royal	15,391	5.850
	#1000	1,600	3.314
	Melton	1,345	3.307
	Vicuña	5,871	4.026
	Vienna	13,698	3.243
Busqueta Hermanos	Derby	8,043	3.456
	Belga	1,266	3.102
	Turin	516	3.245
	Gabardina	3,460	3.65
	Islandia	764	4.61
	Milord	933	4.83
Villazon	Vienna	1,343	3.87
	Urrutia Special	6,562	3.92
	Bremen	1,253	5.001
	Minerva	287	3.505
El Palacio de Hierro	Cassimir Londres	15,279	4.033
	Sergidor	48	3.739
	Ryeland	215	4.164
	Oxford	2,104	3.932
El Nuevo Mundo	London	1,381	4.235
	#5000	50	3.454
	Quadrille	625	3.946
	Urrutia	4,173	3.65
Santiago S. A.	London	3,471	4.228
	Oxford	781	4.557
	#555	32,936	3.30
	#879	32,936	3.50
Marks & Spencer	#3850	17,000	2.95

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9976; Filed, October 6, 1942;
3:03 p. m.]

[Order 5 Under § 1499.161 (a) of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel]

ANDERSON BROTHERS & JOHNSON COMPANY

ORDER DENYING ADJUSTMENT

For reasons set forth in the opinion filed simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) The petition for adjustment of the Anderson Brothers & Johnson Company of Wausau, Wisconsin, filed on June 18, 1942, hereby is denied.

(b) This Order No. 5 under § 1499.161 (a) of Maximum Price Regulation No. 188 shall become effective October 7, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9977; Filed, October 6, 1942;
3:05 p. m.]

[Order 54 Under Maximum Price Regulation 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket 1120-57-P]

ROSS A. SWIGART

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, *It is ordered:*

(a) Ross A. Swigart, Casper, Wyoming, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of those stated therein.

(b) Coals produced at the Swigart Mine (Mine Index No. 177) of Ross A. Swigart, District No. 19, Subdistrict No. 9, for shipment by truck or wagon, may be sold in size groups 2-6 inclusive, at a price not to exceed \$3.60 per net ton, f. o. b. the mine.

(c) This Order No. 54 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 54 shall become effective October 7, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9970; Filed, October 6, 1942;
3:13 p. m.]

[Order 55, Under Maximum Price Regulation 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket 3120-125]

KINGSTON-POCAHONTAS COAL COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, *It is hereby ordered:*

(a) Kingston-Pocahontas Coal Company may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraphs (b) and (c) of this order at prices not in excess of the respective prices stated therein.

(b) Coals in Size Groups 7, 8, 9 and 10, produced at the Exeter Mine (Mine Index No. 68), District No. 7, of Kingston-Pocahontas Coal Company may be sold at prices not to exceed \$3.10, \$2.75, \$2.75 and \$2.75 per ton, respectively, for shipment by rail.

(c) Coals in Size Groups 7, 8, 9 and 10, produced at the Exeter Mine (Mine Index No. 68), District No. 7, of Kingston-Pocahontas Coal Company may be sold at prices not to exceed \$3.10, \$2.75, \$2.75 and \$2.75, respectively, for shipment via Great Lakes.

(d) This Order No. 55 may be revoked or amended by the Administrator at any time.

(e) All prayers of the petition not granted herein are denied.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(g) This Order No. 55 shall become effective October 7, 1942.

Issued this 6th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9971; filed, October 6, 1942;
3:12 p. m.]

[Order 56 Under Maximum Price Regulation 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket 3120-122]

CASTLE SHANNON COAL CORPORATION

ORDER GRANTING ADJUSTMENT

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, *It is hereby ordered:*

(a) Castle Shannon Coal Corporation, Pittsburgh, Pennsylvania, may sell and deliver, and any person may buy and receive, bituminous coal described in paragraphs (b) (1) and (b) (2) at prices not in excess of the respective prices stated therein.

(b) (1) Coals in Size Groups 7, 8, 9, and 10, produced at the Coverdale No. 8 Mine, Mine Index No. 224, District No. 2, of the Castle Shannon Coal Corporation, may be sold at not more than \$2.75, \$2.75, \$2.65, and \$2.55 per net ton respectively, f. o. b. the mine, for all shipments by rail or lake.

(2) Coals in Size Groups 8, 9, 10, and 11, produced at the Coverdale No. 8 Mine,

Mine Index No. 224, District No. 2, of the Castle Shannon Coal Corporation, may be sold at not more than \$2.75, \$2.75, \$2.75, and \$2.65 per net ton, respectively, f. o. b. the mine, for all shipments by truck or wagon.

(c) This Order No. 56 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 56 shall become effective October 7, 1942.

Issued this 6th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9972; Filed, October 6, 1942;
3:12 p. m.]

[Order 57 Under Maximum Price Regulation
120—Bituminous Coal Delivered From Mine
or Preparation Plant—Docket 1120-86-P]

THE SHANNON COMPANY
ORDER GRANTING ADJUSTMENT

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942 and § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Spencer S. Shannon, doing business as the Shannon Company, Dudley, Pennsylvania, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein;

(b) Coals in Size Group 3 produced by the Shannon Company at its Ocean No. 5 Mine, Mine Index No. 348, Huntington County, Pennsylvania, District No. 1, may be sold per net ton, f. o. b. the mine, at not more than \$3.05 for shipment by rail and not more than \$3.10 for shipment by truck or wagon;

(c) This Order No. 57 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 57 shall become effective October 7, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9973; Filed, October 6, 1942;
3:12 p. m.]

[Order 24 Under Maximum Price Regulation
122—Solid Fuels Delivered from Facilities
Other than Producing Facilities—Dealers—
Docket 8122-183]

BLOCK COAL AND SUPPLY CO.
ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Ad-

ministrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Joseph A. Block, doing business as Block Coal and Supply Company in Canton, Ohio, may sell and deliver, and the Board of Education of the Canton, Ohio, City School District may buy and receive the coal indicated in paragraph (b) below at prices no higher than those set forth in said paragraph (b);

(b)

Nature of coal:	Maximum prices
# 8 seam, deep mined:	
(1) 2" lump.....	4.35
(2) 1 1/4" x 3/4" Stoker.....	4.03

(c) This Order No. 24 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(e) This Order No. 24 shall become effective October 7, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9974; Filed, October 6, 1942;
3:03 p. m.]

[Order 27 Under Maximum Price Regulation
148—Dressed Hogs and Wholesale Pork
Cuts—Docket 3148-104]

THE MORGAN PACKING COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

On September 10, 1942, the Morgan Packing Company, Tuscaloosa, Alabama, filed a protest redocketed as a petition for adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition and an opinion in support of this Order No. 27 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Morgan Packing Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from the Morgan Packing Company.

(b)

	Per pound
Fresh Hams.....	23 1/2
Pork Loins.....	23 1/2
Slab Bacon.....	22 1/2

(c) The permission granted to the Morgan Packing Company in this Order No. 27 is subject to the following conditions: that the several prices specified in paragraph (b) shall apply only during

the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum price at which the Morgan Packing Company may sell or deliver or agree, offer, solicit or attempt to sell or deliver and at which any person may buy or receive or agree, offer, solicit or attempt to buy or receive from the Morgan Packing Company each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.22 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 27 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(g) This Order No. 27 shall become effective October 7, 1942.

Issued this 6th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc 42-9333; Filed, October 6, 1942;
3:05 p. m.]

CHARLES GLENN COLE
[Suspension Order 140]

ORDER RESTRICTING TRANSFER OF GASOLINE

Charles Glenn Cole, 490 Main Street, Canton, Georgia, herein called respondent, was duly served with a notice of specific charges of violations of the Emergency Gasoline Rationing Regulations and a notice of hearing thereon. Respondent has waived the holding of a hearing pursuant to said notice and has stipulated certain facts with the Office of Price Administration. Upon the facts so stipulated by respondent, it is hereby determined:

That respondent has violated the Emergency Gasoline Rationing Regulations in that on July 6, 1942, in Canton, Georgia, he purchased and received from one, John Teasley, a Dealer, nineteen gallons of gasoline for highway use in a motor vehicle, said transfer being made partly in bulk and partly by delivery into the fuel tank of an automobile clearly identifiable as a private passenger vehicle and without in either instance the exhibition of any gasoline rationing card Class X or the cancellation of any unit of any gasoline rationing card Class A or B.

Because of the great scarcity and critical importance of gasoline in the Georgia area, violations of the Emergency Gasoline Rationing Regulations have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to national defense.

It is therefore ordered, That:

(a) Respondent is hereby prohibited from receiving transfer or delivery of 20 gallons of gasoline included in the ration

heretofore issued to him by the Office of Price Administration.

(b) Respondent shall forthwith surrender to the local War Price and Rationing Board which issued them, the gasoline rationing coupon books which have been issued to him under the gasoline rationing regulations. Upon surrender of said books, said Board shall immediately detach therefrom and cancel gasoline rationing coupons evidencing the right of respondent to receive transfer or delivery of 20 gallons of gasoline. Said books shall then be returned to respondent. Currently valid coupons shall first be detached and cancelled and if sufficient currently valid coupons are not now in the books, the deficiency shall be made up by detaching coupons next becoming valid.

(c) This suspension order shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Directive No. 1 and Supp. Dir. No. 1H, 7 F.R. 562, 3478, 3477.)

Issued this 6th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-9993; Filed, October 6, 1942;
4:49 p. m.]

[Order 2 Under Revised Price Schedule 41—
Steel castings—Docket 3041-6]

AMERICAN BRAKE SHOE AND FOUNDRY COMPANY

ORDER GRANTING RELIEF

On August 29, 1942, The American Brake Shoe and Foundry Company, Chicago Heights, Illinois, filed a petition for an exception to Revised Price Schedule No. 41 pursuant to § 1306.108 (a) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The American Brake Shoe and Foundry Company may sell and deliver and agree, offer, solicit and attempt to sell and deliver steel castings at prices not in excess of those stated in paragraph (b).

(b) (1) The maximum base prices which may be charged for steel castings produced by its Denver foundry shall be the maximum prices as otherwise established by Revised Price Schedule No. 41, f. o. b., Denver, Colorado, with freight allowed to the extent of 36 cents a hundred pounds.

(2) The maximum base prices which may be charged for steel castings pro-

*Copies may be obtained from the Office of Price Administration.

duced at its Oakland, California, foundry shall be the maximum prices as otherwise established by Revised Price Schedule No. 41, f. o. b., Oakland, California, with freight allowed to the extent of 41 cents a hundred pounds.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(e) The definition set forth in § 1306.109 of Revised Price Schedule No. 41 shall apply to the terms used herein.

(f) This Order No. 2 shall become effective October 8, 1942.

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10012; Filed, October 7, 1942;
11:29 a. m.]

SECURITIES AND EXCHANGE COM- MISSION.

[File No. 70-557]

NATIONAL POWER & LIGHT COMPANY ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of October, A. D. 1942.

The Commission having permitted to become effective, by order dated July 3, 1942, a declaration and an amendment thereto filed by National Power & Light Company, a registered holding company, pursuant to the provisions of the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-42 thereunder, regarding a program for the acquisition by National Power & Light Company of \$330,000 principal amount of non-callable Fifty-Year Five Per Cent Collateral Trust Mortgage Gold Bonds, due July 1, 1951, of Lancaster County Railway and Light Company, the payment of which bonds has been assumed by National Power & Light Company; and

National Power & Light Company having acquired for retirement during the period commencing July 3, 1942, and terminating September 23, 1942, \$213,500 principal amount of said bonds of Lancaster County Railway and Light Company, leaving outstanding as of September 23, 1942, \$116,500 principal amount thereof; and

National Power & Light Company having requested that the time to carry out the program regarding the acquisition of said bonds of Lancaster County Railway and Light Company in accordance with the terms and conditions of, and for the purposes stated in said declaration, be extended for a period of ninety days from the date hereof, and it appearing appropriate that such request be granted.

It is ordered, That the time to carry out the program regarding the acquisition by National Power & Light Company of \$116,500 principal amount of non-callable Fifty-Year Five Per Cent Col-

lateral Trust Mortgage Gold Bonds, due July 1, 1951, of Lancaster County Railway and Light Company, in accordance with the terms and conditions of, and for the purpose stated in the declaration aforesaid, be, and the same hereby is, extended for a period of ninety days from the date hereof.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-9994; Filed, October 6, 1942;
5:05 p. m.]

KANSAS CITY GAS COMPANY

NOTICE REGARDING FILING

[File No. 70-806]

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of October, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than October 21, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Kansas City Gas Company, a subsidiary of Cities Service Company, a registered holding company, proposes to issue to Commerce Trust Company, Kansas City, Missouri, its promissory note in the principal amount of \$800,000 to evidence a bank loan to applicant in like principal amount. The note will bear interest at the rate of 2% per annum, will be dated October 28, 1942 and will mature nine months from its date.

The proceeds of the above described loan, together with \$400,000 of the company's cash funds available for the purpose, are to be used to pay at maturity a like promissory note outstanding in the amount of \$1,200,000.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-9995; Filed, October 6, 1942;
5:05 p. m.]

[File No. 59-4]

ENGINEERS PUBLIC SERVICE COMPANY,
ET AL.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of October, A. D. 1942.

In the matter of Engineers Public Service Company and its subsidiary companies, respondents.

Engineers Public Service Company and its subsidiary companies, respondents herein, have filed a petition for rehearing on our order dated September 16, 1942, wherein we directed Engineers Public Service Company and El Paso Electric Company, an intermediate holding company under Engineers and itself a registered holding company, to sever their relationships with certain companies and businesses. The petition also requests leave to adduce additional evidence and a stay of our order.

(1) As a petition for rehearing, the petition raises no new issues and presents no new arguments which were not presented to us in the course of the hearing, in the briefs and in oral argument.

(2) The additional evidence sought to be adduced falls into two parts:

a. A volume marked "Respondent's Proffer of Constitutional Evidence", consisting of a transcript of testimony proposed to be given by M. H. Waterman and exhibits compiled at his direction, and proffered for the purpose of establishing the unconstitutionality of section 11 (b) (1) as applied to the respondents. In our previous opinion of July 23, 1941 (9 Sec. —, ¹Holding Company Act Release No. 2897), we held that this evidence was inadmissible, but that, if the respondents desired to make a more complete proffer of the evidence to save their rights for the purposes of judicial review, we had no objection to their doing so. Thereafter, respondents offered the volume in evidence, and, pursuant to our previous direction, the trial examiner excluded it. The petition advances no new reasons why this evidence should be admitted, and we adhere to our previous ruling.

b. Evidence relating to the application of clauses (A), (B) and (C) of section 11 (b) (1) of the Act to the retention of the utility systems of Gulf States Utilities Company and/or El Paso Electric Company as additional systems to the electric utility system of Virginia Electric and Power Company as the principal system. As grounds for failure to adduce the evidence referred to, respondents state:

that the Commission, by its Findings and Opinion and Order of July 23, 1941, herein erroneously made as the law of this case an interpretation of subdivision (B) of section 11 (b) (1) of the Act which prevented and precluded the petitioners from offering or proffering earlier any such evidence.

This argument appears to be directed to a failure to adduce evidence under the (A) and (C) standards rather than under the (B) standard, as to which full argument and briefs were submitted in the

record on which our findings, opinion and order of July 23 were based. Our interpretation of Clause (B) was arrived at upon these briefs and argument of counsel, and after careful study on our part. We adhere to that interpretation. Since Clauses (A), (B) and (C) are set forth in the statute in the conjunctive, it would be necessary to find that the standards of all three clauses are met if Engineers were to be permitted to keep the combination of systems here referred to. Our finding that the combination was barred by Clause (B) rendered evidence addressed to the (A) and (C) standards irrelevant, and the hearings will therefore not be reopened for its admission.

(3) The petition prays for a stay of our order of September 16, 1942, during the pendency of the petition and until the closing of the record after the reception of the requested evidence. Since we have concluded that no rehearing or reopening of the hearing is to be granted, no valid grounds exist for such a stay.

In view of respondents' assertion, however, that they were aggrieved by the provision of our order of September 16 allowing Engineers fifteen days in which to petition for leave to retain the electric utility system of Gulf States Utilities Company as its principal system, we shall modify the order to the extent of permitting the fifteen-day period to run from the date of this opinion and order. In other respects—as a petition for rehearing, for leave to adduce additional evidence, and for a stay of our order—the petition will be denied, and it is so ordered.

By the Commission (Chairman Purcell and Commissioners Healy, Pike, Burke and O'Brien).

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 42-10007; Filed, October 7, 1942;
11:11 a. m.]

[Files Nos. 31-523, 31-524, 59-52]

NIAGARA HUDSON POWER CORPORATION,
ET AL.

ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of October, 1942.

In the matters of Niagara Hudson Power Corporation, File No. 31-523, Buffalo, Niagara and Eastern Power Corporation, File No. 31-524, Niagara Hudson Power Corporation and its subsidiary companies, respondents.

Applications pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by Niagara Hudson Power Corporation, a New York corporation and a subsidiary of The United Corporation, a registered holding company (File No. 31-523), and its subsidiary, Buffalo, Niagara and Eastern Power Corporation, also a New York corporation (File No. 31-524), for orders exempting them as holding companies, and every subsidiary company thereof as such, from the provisions of the Act; and

The Commission having heretofore, on August 28, 1942, issued its Notice of and Order for Hearing (File No. 59-52), as amended September 4, 1942, pursuant to sections 11 (b) (2), 12 (c), 12 (f) and 20 (a) of the Act, concerning Niagara Hudson Power Corporation and its subsidiary companies (including Buffalo, Niagara and Eastern Power Corporation), directing that a hearing be held in respects thereof on October 15, 1942 at 10 o'clock in the forenoon of that day; and

The Commission having reserved jurisdiction in its Notice of and Order for Hearing (File No. 59-52) to consolidate such proceedings or any portion thereof with any proceedings under other provisions of said Act with respect to Niagara Hudson Power Corporation and its subsidiary companies, and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved;

It appearing to the Commission that the above matters are, in large part, related and involve common questions of law and fact; that evidence offered in respect of each of the said matters may have a bearing on the other; and that substantial savings in time, effort, and expense will result if hearings on said matters are consolidated, so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the others for all purposes;

It is ordered, That the hearings on said matters be, and they hereby are, consolidated. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of any matters herein involved, to order a separate hearing concerning any particular matter involved in the proceeding, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record on the other matters.

It is further ordered, That notice of the consolidated hearing is hereby given to Niagara Hudson Power Corporation and its subsidiary companies, to their respective security holders, all State Commissions, State Securities Commissions and all agencies or other political subdivision having jurisdiction over such companies and all other interested persons; that the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to The United Corporation, The United Gas Improvement Company, the Federal Power Commission, and the Public Service Commission of the State of New York.

It is further ordered, That any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Secretary of the Commission on or before October 13, 1942.

It is further ordered, That, without changing or limiting the scope of the issues raised in the Commission's Notice of and Order for Hearing (File No. 59-52) or the scope of the issues raised by said applications pursuant to section 3 (a) (1)

¹So in original document.

of the Act, particular attention will be directed at such hearing to the following additional matters and questions:

(1) Whether applicants and their public utility subsidiary companies from which they derive, directly or indirectly, any material part of their income are predominantly intra-state in character and carry on their business substantially in a single state in which applicants and their subsidiary companies are organized;

(2) Whether the exemption of applicants and their subsidiary companies, as such, from any provision or provisions of the Act is detrimental to the public interest or the interest of investors or consumers;

(3) Whether it is necessary or appropriate, in the public interest or for the protection of investors and consumers, to impose terms and conditions in respect of said applications.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-10008; Filed, October 7, 1942;
11:12 a. m.]

[File No. 70-609]

EASTERN SHORE PUBLIC SERVICE COMPANY
(DELAWARE) ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 6th day of October, 1942.

In the matter of Eastern Shore Public Service Company (Delaware), The Eastern Shore Public Service Company of Maryland.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Eastern Shore Public Service Company (Delaware), a registered holding company (hereinafter called "Delaware"), and The Eastern Shore Public Service Company of Maryland, a subsidiary thereof (hereinafter called "Maryland"); and

Notice is further given that any interested person may, not later than October 15, 1942, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become

effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Maryland has outstanding as of August 31, 1942, \$3,892,500 principal amount of its First Mortgage 4% Bonds due September 1, 1969, all of which bonds are owned by Delaware and pledged by Delaware to secure its First Mortgage and First Lien Bonds. Maryland proposes to redeem \$200,000 principal amount of its outstanding bonds, at par and accrued interest thereon, in accordance with the terms of the Indenture securing them.

The funds to be received by Delaware from Maryland will be deposited with the Trustee under the Indenture securing Delaware's First Mortgage and First Lien Bonds. In order to obtain the release of funds so deposited, Delaware then proposes to deliver to the Trustee for cancellation \$200,000 principal amount of its First Mortgage and First Lien Bonds, Series C, 5%, due September 1, 1946, now pledged as collateral to its 3% note payable to The Chase National Bank of the City of New York upon which note there is an unpaid balance of \$800,000. Delaware will apply the \$200,000 it will receive from the Trustee to reduce the amount now owing on the bank loan.

Within the period of eighteen months dating from the consummation of the proposed transactions set forth above, Maryland proposes to redeem a further amount of its outstanding bonds not exceeding \$350,000 principal amount thereof. The proceeds therefrom will be applied by Delaware to further reduce the aforementioned bank loan. Before Maryland pays any part of this amount it will notify the Commission 10 days prior thereto and furnish a forecast of receipts and disbursements of Maryland for the six months period subsequent thereto showing the ability of the company to make such payment.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-10009; Filed, October 7, 1942;
11:12 a. m.]

[File No. 70-360]

ELECTRIC POWER & LIGHT CORP. AND DALLAS
RAILWAY & TERMINAL CO.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of October, A. D. 1942.

Dallas Railway & Terminal Company ("Dallas"), a non-utility company, and its parent Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, likewise a registered holding company, having filed declarations and applications and amendments thereto under the Public Utility Holding Company Act of 1935, particularly section 6 (a), 7, 9 (a) (1), 10 and 12 thereof and Rule U-45 thereunder regarding the following:

(1) The donation to Dallas by Electric of all of the securities of Northern Texas Company, a wholly-owned non-utility subsidiary of Electric;

(2) The acquisition by Dallas of the physical properties of Northern Texas Company and the dissolution of the latter company;

(3) The donation to Dallas by Electric for cancellation of 11,000 shares of the 7% preferred stock of Dallas;

(4) The execution by Dallas of a supplemental indenture; and

(5) The acquisition by Electric of 1,816 additional shares of the common stock of Dallas;

A public hearing on said declarations and applications, as amended, having been held after appropriate notice; the Commission having examined the record and having made and filed its findings herein;

It is ordered, That said declarations and applications, as amended, be permitted to become effective and be granted forthwith subject to the following conditions:

1. Dallas shall not hereafter pay any dividends on its common or preferred stocks out of its earned surplus existing at June 30, 1942, as adjusted to reflect the transactions proposed herein.

2. Dallas shall not hereafter use for any purpose any part of the paid-in-surplus, created under the transactions proposed herein, except after notice to and approval by this Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-10010; Filed, October 7, 1942;
11:12 a. m.]